

# Attachment 1

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## Other authorities

"Material element of an offense" means an element that does not relate exclusively to the statute of limitations, jurisdiction or to any other matter similarly unconnected with: (a) the harm or evil, incident to conduct, sought to be prevented by the law defining the offense, or (b) the existence of a justification or excuse for such conduct.

For a substantial portion of this nation's history, the doctrine of sovereign immunity barred citizens injured by the torts of a federal officer or employee from initiating or prosecuting a lawsuit against the United States. 36 Until 1946, "the only practical recourse for citizens injured by the torts of federal employees was to ask Congress to enact private legislation affording them relief"37 through "private bills." Figley, *Ethical Intersections*, supra note 5, at 348–49 (explaining that, "for a century and a half, . . . the United States' sovereign immunity . . . protected it from suit" against "citizens injured by the torts of federal employees"). *Id.* at 348. See also Axelrad, supra note 2, at 1332 ("Until the [FTCA] was enacted in 1946, no general remedy existed for torts committed by federal agency employees.") See, e.g., *Gray v. Bell*, 712 F.2d 490, 506 (D.C. Cir. 1983).

the FTCA authorizes plaintiffs to bring civil lawsuits

1. against the United States;
2. for money damages;
3. for injury to or loss of property, or personal injury or death;
4. caused by a federal employee's negligent or wrongful act or omission; See infra "Employees and Independent Contractors."
5. while acting within the scope of his office or employment;
6. under circumstances where the United States, if a private person, would be liable to the plaintiff in accordance with the law of the place where the act or omission occurred. Meyer, 510 U.S. at 477 (quoting 28 U.S.C. § 1346(b)).

See Gregory C. Sisk, *Official Wrongdoing and the Civil Liability of the Federal Government and Officers*, 8 U. St. Thomas L.J. 295, 322 (2011) ("The claim for individual justice in court to an aggrieved person or entity must be balanced against the common good advanced by effective collective measures of government and the preservation of democratic rule."); David W. Fuller, *Intentional Torts and Other Exceptions to the Federal Tort Claims Act*, 8 U. St. Thomas L.J. 375, 377 (2011) ("While a concern for fairness and equity in favor of aggrieved plaintiffs certainly motivated legislators, that concern had to be balanced against others and was not the only impetus behind the FTCA."); Niles, supra note 16, at 1296 ("The critical objective in providing for governmental exposure to tort liability is arriving at the proper balance between positive disincentives for negligent and unreasonable activity on the one hand and negative liability threats which distort the proper decision making process on the other."). That said, the FTCA shields federal employees from liability only for tort claims; it does not shield federal employees from personal liability for constitutional or statutory violations. See 28 U.S.C. § 2679(b)(2) ("Paragraph (1) does not extend or apply to a civil action against an employee of the Government . . . which is brought for a violation of the Constitution of the United States, or . . . a violation of a statute of the United States . . ."). See also Sisk, supra note 17, at 307 ("[F]ederal employees remain potentially liable for constitutional torts." (quoting Kenneth C. Davis & Richard J. Pierce, Jr., *Administrative Law Treatise* § 19.3, at 227 (3d ed. 1994))).

*Levin v. United States*, 568 U.S. 503, 509 (2013). See also 28 U.S.C. § 2679(b)(1) ("The remedy against the United States provided by sections 1346(b) and 2672 of this title for injury or loss of property, or personal injury or death arising or resulting from the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment is exclusive of any other civil action or proceeding for money damages by reason of the same subject matter against the employee whose act or omission gave rise to the claim . . .").

See, e.g., *Doe*, 929 F.3d at 166 ("[E]ven intentional torts and illegal conduct may fall within employees' scope of employment. In considering whether an intentional tort or an illegal act falls within the scope of employment, the inquiry is whether the tort or crime was a foreseeable aspect of the employee's employment.") (internal citations omitted).

See 28 U.S.C. § 2680(a) (stating that the FTCA's waiver of sovereign immunity "shall not apply to . . . [a]ny claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a federal agency or an employee of the Government, whether or not the discretion involved be abused").

Niles, *supra* note 16, at 1300. See also Sisk, *supra* note 17, at 301 ("The most important [exception] (in terms of frequency of assertion by the government, successfully more often than not) is the discretionary function exception."); Seamon, *supra* note 33, at 700–01 (describing the discretionary function exception as "broad," and as "the most important exception" to the FTCA's waiver of sovereign immunity).

See, e.g., *Loumiet v. United States*, 828 F.3d 935, 939 (D.C. Cir. 2016) ("We conclude, in line with the majority of our sister circuits to have considered the question, that the discretionary-function exception does not categorically bar FTCA tort claims where the challenged exercise of discretion allegedly exceeded the government's constitutional authority to act.") (emphasis added).

See *Kiiskila*, 466 F.2d at 628 ("28 U.S.C. § 2680(a) precludes action for abuse of discretionary authority whether through negligence or wrongfulness."). See also 28 U.S.C. § 2680(a) (stating that the discretionary function exception applies "whether or not the discretion involved be abused").

See *Morales v. United States*, 895 F.3d 708, 716 (9th Cir. 2018) ("We reject the suggestion that the government cannot invoke the discretionary function exception whenever a decision involves considerations of public safety . . . In case after case, we have considered the government's balancing of public safety with a multitude of other factors.").

## Introduction

The context of this statements are collected edited based on the original documents had filed to courts. Which means their decisions judgments and all the other acts were out of their best "fairness and justice" with knowing/understanding documents filed at least in summary. While I also had proposed emphasized them in person on hearings for many times to city attorneys and judges.

## Statement summary

### A. Miguel Rivera's pervious life – The reason why abusive litigation (detail in attachment)

Miguel Rivera (aka) is a criminal scam artist, abuser. The Primary birthday is [REDACTED] From 1990s to 2005 he's been in a relationship with Alexander G. Tellez [REDACTED] with the name of "Michael Colon". Before 2000, they lived in Orange County, CA. On 2001 they moved to Miguel Rivera's parents' place 1416 Grandale St Lehigh Acres FL 33936. The records/frauds of montages started, by the time their relationship was getting worse. In 2003, there was a record of fight, finally in 2005 Alex issued a protection against to Miguel Rivera (aka), while it ended.

On 1/15/2005, 1/31/2005 Miguel Rivera (aka) was arrested for criminal traffic under the name of "Miguel Colon", "DOB: [REDACTED]" in Lee County FL. A mugshot was taken on file, which looked the same with "The Miguel Rivera" I know.

On 7/7/2006, he was arrested in Lee County FL again with the name of "Miguel Rivera", DOB: [REDACTED] on court records, DOB: [REDACTED] on the original complaint paper.

During 2006-2011, Miguel Rivera (aka) had serval relationships, he moved to New York City. He became more experienced with his fraudulent skill, he succeeded on defrauding his priors, theft their identities, benefited the funds of montages.

After 2011 he succeeded again, came off with the name of "Miguel Rosen", he broke up with Evan D. Rosen, he started a relationship with Jino Kobayashi in New York City. Miguel Rivera registered companies as real estate agent with Jino in NY, FL, PA.

Around May 2011, Miguel Rivera met Abigail Prieto. On 10/4/2012, Miguel Rivera committed



to a fraudulent marriage with Abigail Prieto to help her gain the green card in Lee County FL. He was paid, she is homosexual, they barely contacted each other. Around August 2016, she met some issue related to him and came to him for help. Maybe they have not divorced yet. She is now married to a girl.

In 2014, Miguel Rivera's three-year circle cleared away his relationship with Jino. There was a lawsuit against him by his "good friend" (target) called KAMA LINDEN in New York City. He failed and lost money in that case. Though he got "supplement" from bank by using Jino's identity in the same way, which caused legal issue to Jino. Then he absconded away from NY back to Nepal CA. The years in New York he gained connections, and another identity (SSN) might be obtained at that time. Due to their unlawful (Airbnb and other kinds) business, there was another lawsuit against him in 2015.

In Nepal, he opened a center called "The Center SWFL LGBTQA Communities Center Inc." with Joshua Boyle and Julian Laredo, Heather Lunsford, Heather Nicol. Which was more like a bar or a dance club. Miguel Rivera had a "luxury" time, they enjoyed, partied, played and smoked all along. One of whom is now in jail for drugs. I guess that's when and how Miguel Rivera affected HIV and syphilis. The people in the office observed lies such as pretended to have cancer, heart problems, brother's and father's death. His reputation went broken as well as his "boys" in 2015. During this time, Miguel Rivera was having insurance business with Bryan Ildiko, Ildiko Baldwin's husband. Which was legal or illegal, I guess no.

After that he left Nepal CA back to his hometown Philadelphia PA, when and where he met his husband, Minh Nguyen, he brought disasters to his families and Minh. They married to each

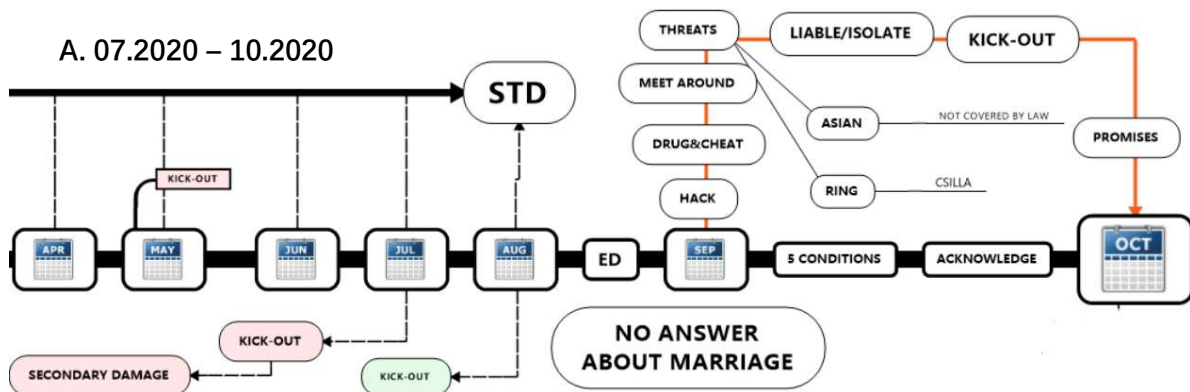
other on 7/8/2015 certificated in Honolulu County HI. Which was a bigamy for sure. It was not too peaceful in their relationship. Miguel Rivera cheated, smoked, defrauded as how he is, Minh was abused, always kicked out to the streets, be set up, libeled, framed as well by reading the conversations from one of Miguel Rivera's flash drives. There, Minh noticed his mental issues as well. They separated (not divorced) in 2017 when it reached out to the circle of "three-year".

During that time, Miguel Rivera succeeded on pushing his youngest brother to kill himself and set up plans to put his other younger brother into jail. He defrauded social benefits from his nieces and nephews. While it appeared, he started/had some "business" in Las Vegas. His "business" extended to shell companies as well.

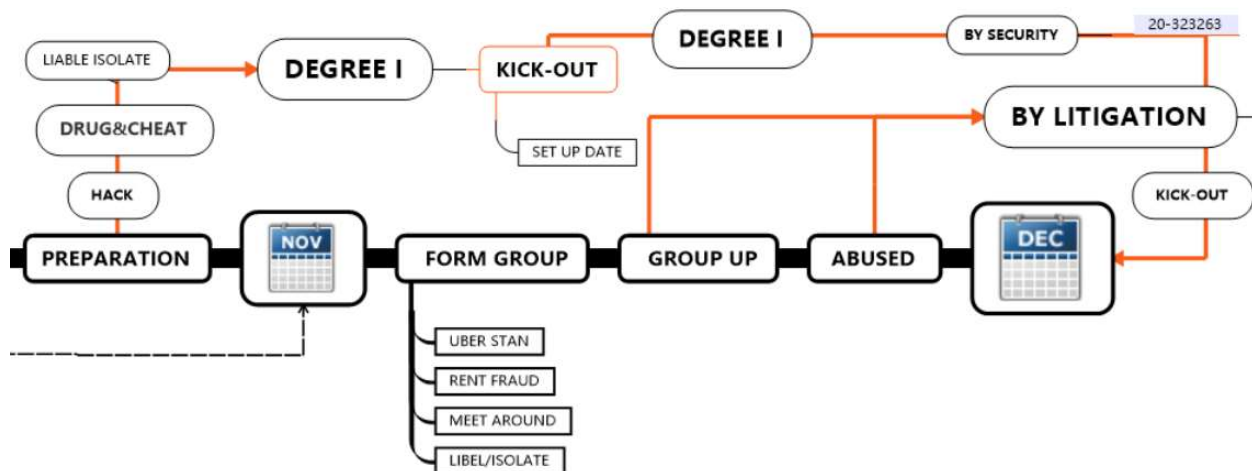
In 2017, he hunted Qien Gan. Miguel Rivera arbitrarily registered Qien's apartment on Airbnb, illegally. Their relationship ended up because Miguel Rivera hid his HIV status. Qien tried to break up with him. Which caused Miguel Rivera changed the lock of Qien's apartment, he detained his **suitcases, made him nowhere to go. Qien told me he was lucky that he had a sister who supported** him otherwise homeless like me when we talked. Qien didn't go back to him, he issued protection order against to Miguel Rivera on 2/15/2018 so that he's able to flight back home safely. Though Miguel Rivera couldn't control himself and he went to Hangzhou China to harass Qien's life. He **showed himself up to Qien's parents with photos of them having sex when Qien hadn't even** come out to his parents, it's not hard to get how much trouble Miguel Rivera caused, that's exactly what he wanted and who he is. As results, he got beaten away, they called the police as well. After that it was when I met him, where and how my disaster started.

## B. My disaster

### I. Timelines (deatil in Attachment)



### B. 11.2020 – 12.2020



### II. Miguel Rivera's background

**GENERAL:** He is an alert young man in no apparent distress, looking significantly younger than stated age.

**SKIN:** Normal turgor. No rashes. Mood seemed appropriate.

**NEUROLOGIC:** He made excellent eye contact, was very conversational. He was not otherwise examined.

**LABS:**

On 10/01/2020. CBC was normal. Chemistries were normal except for a total protein of 8.3

Miguel Rivera made excellent eye contact; he is good at convincing/acting/lying.

Test Performed by:  
 Mayo Clinic Laboratories - Rochester Superior Drive  
 3050 Superior Drive NW, Rochester, MN 55901  
 Lab Director: William G. Morice M.D. Ph.D.; CLIA# [REDACTED]

Collected Date/Time 10/7/2020 16:35 PDT				
<b>Procedure</b>	<b>Result</b>	<b>Units</b>	<b>Reference Range</b>	<b>Performed by</b>
Syphilis (T.pallidum)	REACTIVE <sup>*3</sup>			SYSTEM,SYSTEM
Result Comment				
*3: Syphilis (T.pallidum) Result Interp Syph IgG: REACTIVE Qnt RPR: 1:8 TP-PA: Not Done Results consistent with any stage of syphilis infection. Screening test performed at Virginia Mason Laboratory, confirmatory testing performed at Seattle and King county Public Health Laboratory, 325 9th Ave. Box 359973, Seattle WA 98104.				

As one party in a relationship, Miguel Rivera is a liar, a cheater, a betrayer. He hid his STD status, even intended to transfer it to me so that I became the cheater.

As the facts Miguel Rivera has many identities, different birthdays, multiple SNN and countless names. There are lots of court records everywhere he stayed. If you review his declarations and statements in different cases, you will find lots of perjuries and self-contradictory statements. He is a con artist, experts in relationship frauds. He has moved among cities and states a lot, mostly for relationship issues. According to court records, they always ended up on courts, usually for domestic abuse and lawsuits by different guarantees for the monotonies he applied under their residents. Before his priors noticed he had run away to different states. He has criminal/felony records, famous for lying in his family. He had lied to his families too much, even defrauded benefits from his niece. He pushed one brother to kill himself and the other one into jail. Eventually his niece called him liar, his husband called him a fraud, finally his own parents gave up and abandoned him. Based on and regarding to my experience, I summarized the patterns:

1. Miguel Rivera always exaggerates praises people and matters depend on the degrees of value to him or his desire, vice versa.
2. When Miguel Rivera claims there are witness to certain events, which I never once experienced as (totally) truthful.
3. It is the same as further continuation when Miguel Rivera states certain matters were introduced by certain individuals, or certain individuals support his statements.
4. To the accusations can be considered as facts with lots of proofs, Miguel Rivera's strategy is not to deny or acknowledge, only to stay silent. To the other accusations no matter truthful or not, he denies.
5. When it comes to Miguel Rivera's proofs, those are usually not relevant or forced to become connected or related.
6. .....There are more in the cases.

The key is his powerful performance ability to mix and manipulate the genuine and fake.

Miguel Rivera experts in convincing acts, making big lies out of small non-related facts. He is a master of humanity manipulation. Most importantly, he has spent his life on that. He has collected extensive rich experience. Generally, I never found any of his statements involved with third parties was (totally) real. In conclusion, he is a total egoism.

Though just like the snowball rolling in one direction, he always failed to exam through from the tests of time and the stands of facts. So that gradually he is utterly isolated from everyone. That's why there is some period in relationships forms out a triennial cycle.

On the "DV Manual for Judges Appendix H-8" from Washington State Administrative Office of the Courts, it comes out exactly how and why. Miguel Rivera's perjuries and false claims followed the same pattern summarized 8 months ago. But no one had reviewed. According to case records, it is more than shameless that the prosecutor knew Miguel Rivera was abusing me, but she chose to cover him up, neglected Miguel Rivera's crimes. It was absurd illegal performance how she had been. She isolated my documents but never explained why she illegally held up my evidence away from the court and how authorized Miguel Rivera's immunity from crimes. Regarding to RCW 9A.08.010 (1) (a), (3) "Intent" is the general requirement of culpability to a crime. No matter how illogical, unreasonable, malicious, blind, abusive, evil, without supportive or reasonable intents and proofs, without authenticity verifications, she just chose to abuse her power and increased crimes.

The case 658510 was dismissed for lack of evidence. There, officer falsely reported claimed that Miguel Rivera met me in person, and I was trying to assault him in the apartment lobby. Since it turned out false, where is the outcome of false reporting? Regarding to the Police Report 20-324971 I was kicked out into the shelter(Exhibition Hall), I never reached out to him, what was the reason/intent for me to do that especially when his abuse had gone into an unbelievable level?

Miguel Rivera was not divorced with his husband, his parents gave up on him, his family did not know where he was, some of them thought he died for HIV. He's famous as a liar. I collected court records showed his crimes. He abused me, defrauded me, damaged me and my family. Miguel Rivera did not act needs for protection as King County Superior Court dismissed his petition, the judge yelled at Miguel Rivera "Civil standbys are not violations." The dismissal meant there was not enough evidence, or he didn't experience domestic violence. Violations are built on that, however it seemed to be non-relevant to municipal court. Miguel Rivera was that blatant rip-off adjective and criminal, but there was no need for him to concern about any penalties. After cracking her fingers, the prosecutor maliciously sanctimoniously charged me for contacts to his parents/family and Ex-husband. Not only nothing was verified, but also, such a blasphemy to justice for something absolute malicious false fake and retaliatory. It is unlawful that the prosecutor

abused her power. It is illegal for the court groundlessly imprisoning me, shutting me up, framing and abusing me while authorizing immunity to crimes.

*I pursue all of those people mustn't be parents or have grandparents, otherwise inhuman, otherwise they must find it fair acceptable happy and justice for their children to go through their judgements when they are in the hospital about to have surgeries, and to be locked up in a seperated cage for asking "allow me to attend my grandfather's funel". Miguel Rivera had framed me to all my families and everyone he knows from me. But he didn't let go, he isolated me from my new friends here so that more helpless. He had done everything you might think of to be hopeful. He had violated too many rules to count. He never responded to all the criminal alleges against to him. His just pretended and acted, made up more perjuries and built up more fake stories and false alleges. That's exactly what the court needs, there's excuse, there's "good reason" to act. There's no penalty to real crimes, they participated in the same silence and extended more abuse like it matters. Procedures were insignificant, they've designed the destination in the first place. It's not "shame on them", they are too shameless. May kids in kindergarden know better at judgements, only may those paitents in St. Elizabeths Hospital proceed the same madness. Confucius proposed: "Don't make others do things you don't want to do". They must find the best justice one day the same judgements and treats on them.*

## C. Misconducts

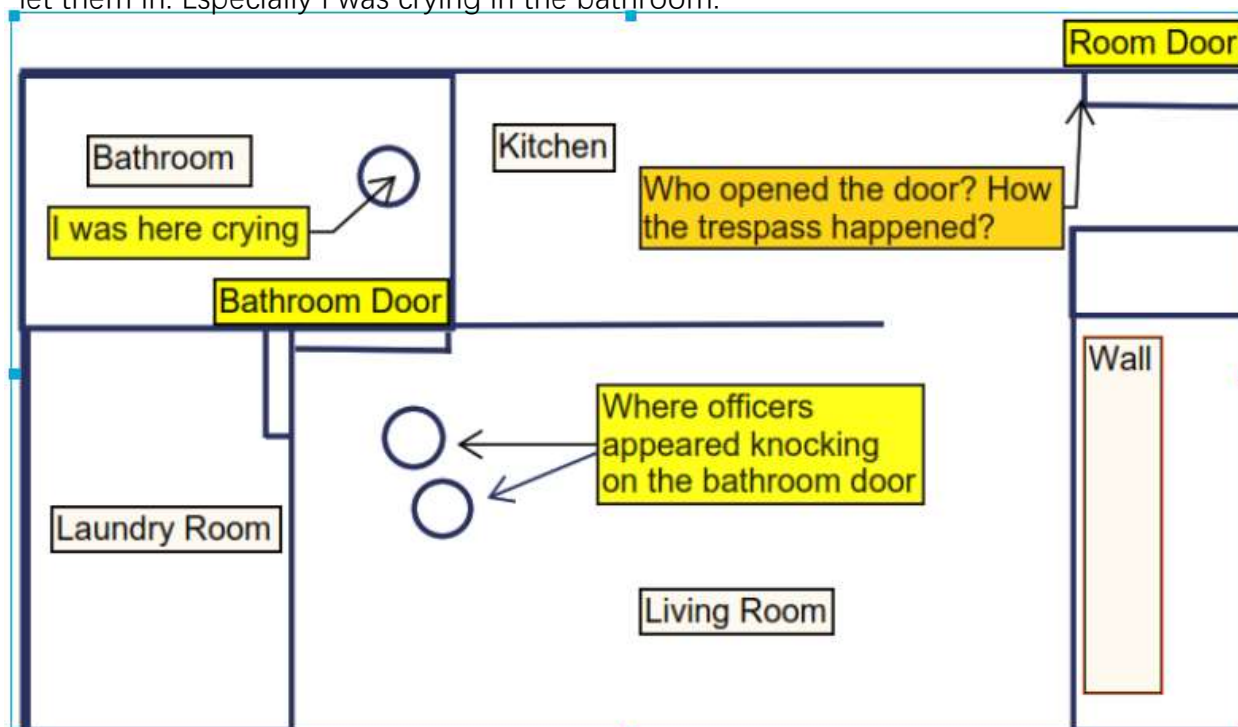
### (a). Instruction

As the facts every letter had been filed, described in detail, written in red dried out from salted liqueur. Everything was well-founded, reasonable, logical, factual. Not to mention about other torts, only in the name of abusive litigation there's no reason for SMC to continue on chargers. Plus, the fact of frauds bigamies perjuries violations harassments, etc. why so discriminational, abusive to me? Even if there; s no humanity or conscience, was it already over excessive for SMC to be lawful and legal at least?

### (b). Events (extracted from attachment)

I declare every description/statement in the related events as facts, unchangeable histories. Proofs and evidence are filed to the original cases. Which can be provided and verified again at any time. I also declare the related inferences are logical and reasonable. As for the personal experiences, I ensure my best objectivity in the statements. I believe the actual feelings and mentalities at the moment must be worse after healing through time.

1. Pursuant to RCW 26.60.901, RCW 26.50.055, 10.99.030 and The Fourth Amendment. It was unlawful for peace officers to trespass on my room. <AKIYAMA EMILY J,GORGE COREY L>, TRESPASS, MISCONDUCTS. As exhibited, there was no way for me to let them in. Especially I was crying in the bathroom.



2. King County Superior Court dismissed Miguel Rivera's petition for protection.



On 6/30 hearing, around the same time section of the hearing on 6/28. both judges denied my motions, claimed those as non-relevant with the same sentence. Both of them asked me the same questions at similar time section on two different hearings:

1. Is it necessary for me to have an interpreter?
2. If so, how come the documents I filed were in English?

Forget about that the queries were hostile, ran counter to Chapter 2.43 RCW, it appeared they were following the same instruction, otherwise too incidental. How about decisions?

I then asked for reasons why dismissed and not relevant, emphasized pointed out crimes verified on my brief and what action will be taken facing, what if the prosecutor is abusing her power.

Then the judge warned me of potential penalties to as a pro-se, stated what I filed were "facts", which should be exhibited to the jury instead of the court, and that's what the court could provide me. She stated the public defender makes right decisions, and if it was her, she would not file them to the court and asked him "Right?". He laughed and agreed. Who never voiced any facts, ignored what he received, violated my right of privileged communications, stated that's how much he could do since free. It must be non-relevant that the protection order was not valid by unlawful service. It must be non-relevant that the fact I don't possess my passport, all my properties were detained or sold by the other party. So that I had been homeless stayed 45 days in the street. Eventually I couldn't provide anything on file to pay the bail to the agencies. It must be non-relevant about the perjuries. It must be non-relevant that I had proofed Miguel Rivera is a bigamist, scam artist.....a total criminal with countless crimes. Nothing would be enough important to be non-relevant.

The judge stated the city will be in charge of crimes, she didn't know/response what to do with the other situation. Then I asked again for their reasons to dismiss. I stated the court had gone into the opposite direction, I never abused Miguel Rivera, but he did. I asked why the prosecutor had been holding on my documents/evidence away from records. Why there is no penalty or cost for Miguel Rivera's countless crimes. Even the order itself was not valid with unlawful service.....

The judge only focused on warning me outcomes and possible sentences as pro-se and passed my questions. She only had a short pause about the unlawful service but soon ignored. She told me only after the final decision, I have the chance to appeal, like the decision she made. Later she asked for the prosecutor's charges. While she asked me to stay quiet because my attorney will "represent" me. The prosecutor cracked her fingers turned out to be more abusive/malicious proposed absolute malicious and false charges for violations, stated I hacked MR's social media accounts, then I got his friends' address,



where I sent him divorce paper to when he's attending a "funnel" in Florida. Which I believe it's a lie. On the other hearing, her violation charges were for some phone calls to his building and photo of me which Miguel Rivera claimed next to where he lives. So that he had to move. I responded on my statements as "Miguel Rivera stole my iPad full of evidence, there were locations from apple.com. How was I able to locate his room number only with that uncertain information. If he's afraid of me, why moved to somewhere only two blocks away. It's his abusive controlling and the best excuse to abscond." There was no reply from the prosecutor, no cost for Miguel Rivera's theft and destroy of evidence. Now what I predicted becomes facts, judges authorized her, she offered him immunities.

Ironically, I had filed proofs to both courts previously before hearing. While it is for sure the court didn't review contexts on my motions. Since obviously they followed some same agenda with instructions, what's the point of hearings? Where is the independence? Since the judge stated the two attorneys are always right and make right prosecutions, what is her function to the court as a judge?

Further, Miguel Rivera's friend Ildiko Baldwin, wasn't even honest about her address on her declaration. It was the FedEx operator, he found errors to match the address with the postcode. Why did not she provide her right address? While it was the notice of appeal being sent/served. The certificate/proof of service was filed to both Seattle Municipal Court and King County Superior Court. The divorce notice was sent to his attorney Mr. Timothy A. Lechner through E-mail. It was the best sample of Miguel Rivera's perjury, and how good at making big lies out of small non-relevant facts. It was also malicious charges that she never verified authenticities but kept abusing. Kept abusing and abusing her discretionary power. So, I filed motions, tried to seek just. I never thought the judges were on the same boat. Pursuant to RCW 34.05.437. The judges failed to procedure lawful response and proper reasons for the dismissals. The city attorney does everything possible to encourage crimes. There is no penalty of crimes, the judges screen criminals. The court does its best on framing and convicting me of false malicious crimes. The Municipal Court had thoroughly lost its function.

Shamelessly the judges decided to put me in custody. When I finally bailed myself out, they stated as "I didn't know he's out." Is it such a nature for them to put innocent people in jail? Where is your shame? Your humanity? Your dignity? It was really such a blasphemy to justice. The rest procedure was so quick like they have "rehearsed". It was the only moment the public defender volunteered doing something. He participated in the order for evaluation. The public defender explained to me that the court may dismiss the case depends on the result of evaluation. After experiencing another week of torture in custody, finally I got out and searched the meaning of that order.

On the surface the court ordered evaluation for competency skillfully. Their real

purpose was to stealthily visualize me with incompetency. So that even if what I filed were truthful, they have excuses and can claim it's my fault for incompetency. They officially delayed the day of "final decision" from August to November so that I couldn't appeal to higher courts. As the smartest strategy, they whitewashed themselves and slandered me. The most sneaky and nasty part is no matter what competency, the result will either be I'm "crazy" or guilty, so that either I'm in custody guilty or I'm out custody "crazy". Since the evaluation requires me to appear in person, and from the last experience, there are too many excuses and different ways to shut me up. With their best excuses and speeches to the higher courts as "There's no final decision" and "He's crazy.". Such a design. Such a good countermeasure. What a pity on illegally abusing and bullying.

Here I clarify myself again, I am graduated with biology engineering master's degree. Language barrier is not incompetency, neither as excuses to frame, slander, and abuse me.

I was released on 7/6/2021 around 9-9:30 am, in custody since 6/30/2021 for appearing in person to quash warrant in Seattle Municipal Court Room 902 around 11:30 am. Which caused the failure of appearance for the hearing on 7/6/2021. Though no matter how many times I tried to seek responses, call, and leave messages to King County Superior Court around 10 am. and 12:30 pm. I left message to the Municipal Court and City Attorney's office as well. There was no response from neither the Superior Court or Municipal Court and City Attorney. I don't understand only just to be informed I don't have a right and until now nothing in return.

Later I thought it was a hope there was a county attorney responded and asked for details. Which turned out to be another hurt when she played the game of kicking balls stated they can only take actions when receive reports from the law enforcement, which they do not have. I guess 2021-082422 and 2021-183800 were fake.

After surviving from Miguel Rivera, I thought it was a hope, so I finally felt relieved from everything, did not have to fight alone; it should be easy for them to identify the nature especially with that many proofs and evidence I submitted. But Immediately I even had to be put through with waves of further polyploid extended abuse. If it's heartless or whatever but how injustice how nasty a court needs to be, how blind how abusive it needs to be again, how inhumane how sick again and again. I can't know, I don't know, I don't want to know.

Against my family, I came out to be with him. Left home, I didn't care any elements, otherwise I could have gone back home previously being abused. He's my first relationship, he taught me love, I put all myself in. Though there were arguments then he used to kick me out, sometimes took away my belongs like suitcases money passport. I cherished, protected, stayed, believed. But there were too many times I had experienced hopelessness, so there he promised, then with audios, then videos, and into contracts,

eventually into nothing but empty. Nothing changed, nothing stopped, like nothing to him. Until it turned into abusive litigations, I learned what was the real desperate.

His abuse is killing. Framed me from new made friends here to people on the other side of the earth, he could even hurt my mom two days before her surgery. It is too easy for him to destroy. He has no shame humanity and moral to me. I don't see a sign of bottom line to place a limit. You can never image how whole and deep. You can never know how it is to wake up in the streets. You can never know how to become used to nightmares. You can never know how to stop tearing sadness. You can never know how to live without yourself. Touches are still touches, voice is still voice, lights are still lights, the world is still the world, but everything has changed.

I filed statement "Pattern of Secondary Damage" last year. I had declared/predicted that courts were his new subjects he plays the victim to, as well as his weapon. I predicted his reactions; I exhibited a future picture from the history. But I mistakenly thought the courts were where to seek justice. Finally turned out to be another version of Miguel Rivera in judicial way. The same double standard shameless abusive, evade their unlawfulness, exaggerate, and forge. The worst are the certifications authorizations. The court itself is the rule maker. There are too many ways to sculpt things into the shape they want you to be. To find out a dead end in a quarter justice from the pint court is my worst self-expostulation.

When he broke into the room with his witness, threatened and ordered saying "I have a warrant, I'm nicely asking……" It was the first time of felling dangerous from him, I was still in love with him, but I couldn't even ask or force myself I didn't know to believe again. Torturous huts miseries are too blank to describe. I put away locked the sense of feeling, pulled my soul away otherwise unable to survive. I struggled; I remember there were times I woke up in the midnight crying quietly. After knowing I lost conscious into emergency room, Miguel Rivera played the victim stated he had to live in his vehicle to save money to hire attorneys. Before his petition was about to be dismissed, he stated "All of them (police) said sorry to me……officer made sure this time it says violation on the report." Though those were verified perjuries, still scratched opened leaks, every leak explored. Finally, it was the first time I started to stop loving. After the hearing on 5/15, everything started to be teared open. After another time being put in custody, I started to realize what I had to defend myself from.

I had struggled, so I will. I had survived, so I will. I had been seeking for just, so I will. I appeared alive; it didn't mean I was fine. I didn't lose a part of body; it didn't mean I was intact. I had been being abused; it didn't mean I would. Nothing had appeared to be fair lawful, or as just; it didn't mean I would accept the same from Court. On 7/7 I replied SCA's motion to dismiss, I stated Police officer trespassed, officer Abshir falsely reported. There's

I repeatedly plead to have the right to be informed with anything related. For clarification, all the appealing files, Motions and any related actions were from/by me DingHui Deng myself only, please be respectful and no need to ask the person who is learning and following your "rules" in a different language. Most importantly, don't decided the undetermined, ignore the related. Please wait until you/your honor have finished reviewing and the ability of equal level of Chinese, question. Thanks.

collusion between them, even my room key was expropriated unlawfully. On 5/15 hearing, there was an ex-parte communication the prosecutor submitted something untruthful to the judge, falsely maliciously charged me again unlawfully. The court granted warrants. On 6/30 hearing. The court put in custody again maliciously illegally. The judges didn't review the contexts of my motions. They followed some unknow agenda, claimed the same as "non-relevant", made same decision to dismiss in the same time section. Incidentally?

There are records I had been requesting but never provided, my motions never got lawful treatments..... The courts have control over releasing records; however, I have them in my memory. If it was guilty conscious for Miguel Rivera, why courts? Even I am nobody, the human rights should be the same as anyone else. Finally, under official cover Miguel Rivera absconded run away from this state as he always had done. He had abused because they had abused, they have framed, but they are still abusing. Their only wisdom was to extend time on tortures, their only response was to dismiss the appeal. Though, their achievements are countless. Miguel Rivera must be so happy and lucky, The court must be so satisfied and delighted.

### **(c). Rules**

#### **1. ARTICLE II. 4 (a)**

(1) (C) engaging in improper ex-parte communications with parties or counsel for one side in a case.

(2) (B) treating litigants, attorneys, judicial employees, or others in a demonstrably egregious and hostile manner; or

(4) Retaliation. Cognizable misconduct includes retaliating against complainants, witnesses, judicial employees, or others for participating in this complaint process, or for reporting or disclosing judicial misconduct or disability.

(5) Interference or Failure to Comply with the Complaint Process.

#### **2. ARTICLE II. 4 (b)**

(1) Allegations Related to the Merits of a Decision or Procedural Ruling.

(2) Allegations About Delay.

3. Rules 4 (a) (2), (3), and (4) reflect the judiciary's commitment to maintaining a work

environment in which all judicial employees are treated with dignity, fairness, and respect, and are free from harassment, discrimination, and retaliation.

4. Rule 4 (a) (5) provides that a judge's refusal,
5. Rule 4 (b) (1) tracks the Act, 28 U.S.C. § 352(b)(1)(A)(ii), in excluding from the definition of misconduct allegations
6. With regard to Rule 4 (b) (2), a complaint of delay in a single case is excluded as merits related.

**(d). Local Law**

1. RCW 26.60.901, RCW 26.50.055, 10.99.030 and The Fourth Amendment.
2. RCW 42.20.050 Public officer making false certificate.
3. RCW 9A.80.010 The Prosecutor Zavidow Grace E. knowingly misconducted.

King County Superior Court: 20-2-18129-3, 20-2-16996-0, 21-2-00897-2

SMC: 658510, 658597, 658179

Criminal reports: 2021-082422 and 2021-183800; 2020-348546, 2020-348008, 2020-324971, 2020-323263, 2021-023990, 2021-016844, 2021-013432

Events	Reasons to Charges/Actions	Status/Responses and reasons	Crimes/unlawfulness with unknow immunity
Temperory DVPO Service	Invalid order	No response	MR broke in-trespass, Police officer trespass-unlawful service
Civil standby(Jan.)	Assaults, third party contact	Dismissed for insufficient evidence	False report, collusions, theft
Civil standby(Jan.-Feb.)	Appearances/photos to the apartment	Active. But insufficient evidence of who where when	False report, theft, misuse (sold) shared properties, injuries caused(lost consious into
Countiurances of temperory protection order(Jan.-Mar.)	Homeless, properties and cash detained/robbed	N/A	Abusive litigations, injuries, Intentional transmission of STD, perjuries, bigamies, identity thefts, frauds, marriage frauds, (misuse) multiple identities, criminal mistreatments/abuse
Superior Court dismissed petition for protection(Mar.)			
2021-082422 Police Report(Jan.-May)	N/A	Dismissed without reasons	
Miguel Rivera claimed had to move (abscond) (May)	Phone call, Appearances/photos to the new apartment	Active, Warrants granted/Making big lies out of small non-relevant facts(details above)	Ex-parte communication, abscond
Miguel Rivera claimed in FL attending funeral(6.30)	Social media account stole, third party contact	Decision of in custody/Proofs filed before charges.	
Motions filed(May-Jul.)	Appeared in person/be put in custody	Dismissed motions without reasons;prejudice/no review of contexts/unlawful procedure/unjust	violations ARTICLE II. 4 (a)(1) (c), (2) (B), (4),(5); ARTICLE II. 4 (b) (1),(2);Rules 4(a)(2), (3), and (4) ;Rule 4(a)(5), (b)(1),(2)
2021-183800 Police Report(July)	N/A		

Thank you Seattle Courts, I really have learned Domestic Violence, Violations, Perjuries, Frauds, Discriminations, Bigamies, Tortures, Collusions, Frames are crimes. Anywho violates the law may be charged. Judges and prosecutors are equal fair and justicial, representations of just. Now that I've thanked you, will you start opening your eyes? Will you please stop abusing me? Will you please be lawful? Will you please let just talk? Will you please show as crimes? Will you please stop letting go crimes? Will you stop your abusive prosecutions and judiciaries? Will you please not be so inhuman? Will you please stop abusing and abusing and abusing me?

Is it because I didn't forge that's why you don't believe me? Is it because I don't carry the right colour that's why you are discriminational? Is it because you are just a few buildings that's why you are not equipped with humanity? Is it because I didn't die that's why you don't see a body?

On May 20, 2018, I didn't know Miguel Rivera is a bigamist. On March 2019, I didn't know he's an abusive criminal. On May 7th, 2020, I didn't know he's a famous scam artist. On September 16th, 2020, I didn't know he's been faking up. On February 17th, 2021, I finally got to know more about the real who. On March 16th, 2021, I didn't know prosecutors are not how the law says. On April 2021, I didn't know prosecutors can be abusive and illegal. On May 20th, 2021, I didn't know judges are another form of abusive litigations. On June 2021, I didn't know municipal court from inside out is a lawless discriminational hegemonic sided smiling hole. Where leads to their infinite. Therefore, my sights are gradually widened. There's no choice for me to breath but to be soaked in that hell. I was forced to learn, pushed to be crushed, shattered to stay together, disunited on everything. How to gain equality and humanity? I guess only if to be reincarnated in a different being. Oh, I guess it's my fault didn't to realize this until now, of which instead wiping and

destroying my soul, were helps. Everyone knows who discriminates is discriminational. To seek just from the prejudiced ice is never possible.

I thank you, Seattle Municipal Court, judges, attorneys, cleaners. Thank you for destroying my life. Thank you for showing me what is discrimination, thank you for teaching me know what is called abuse, Thank you for redefining laws and rules, thank you for your engagement. Thanks to you, your decisions and judgements, an artist had the chance to keep working on his arts and the ability to infect more and more people. Thank you for your insistences on yourselves. Because you are such the representation and guidance of Judiciary, Justice, Democracy freedom, and society.

You must be so kind; the crimes must be unintentionally done. You must be very generous; a criminal can be covered with your supports. You must be very confident; you are never wrong. You are such the power to take over lives. You are so familiar to the criminals, you are so silent to your disabilities, you are so loud to abuse your authorities. To the innocent, you redefined human rights. To the guilty, you muted criminative voices. You are so right on everything, to everyone, not left.

You are so great to me. You expert in discriminations. Regardless of unlawfully you imparted experiences when I only had a superficial understanding. You are so friendly, regardless of costs you didn't hesitate to pardon. You are so creative, equipped with professional skills and tricks, you are able to generate charges from empty. You are so powerful, the written forbidden is archived. You are so equal; you fixed the screws on the scale. You are so affirmative, illegal rights righted.

You shall be blame free. You must be blind, that's why you cannot see the crimes. You must be deaf, that's why you cannot listen to the laws. You must be incompetent, that's why you cannot read the filed papers. You must be disable, that's why evidence isn't related. You must be very



unabashed, only mosquitoes know the thickness. You must be well-informed, that's why you don't distinguish fiction from fact, right from wrong, criminal from the suffered. You must be so egoistic, that's why no conscience and morality can approach. You must be inhuman, that's why you cannot be unscrambled with human minds. You must have sold out your shame, that's why you have been standing firm in the face of cynicism. Oh, my fault again, you are too blind to see that face.

There is one more day "attorney" exists, there is one more day away from just. I was able to predict your processes and acts, though there's nothing too uncomfortable for them to follow. Oh, all is scheduled, you are just repeating. It was you created a monster like Miguel Rivera, your daily has stayed closed to right, your formalizations had been squashing the free in pieces. The purpose of attorneys had been malformed too far away from the original reasons. Which accelerates court's malformation taking shapes, then deteriorating externalizing becoming and reaching the polarity. It's been my stupidity and delusion to ask tears from crocodiles. It's been my ignorance to welcome. It's been my fault to challenge, fight, seek, and to be abused.

Since you don't consider them as crimes and offenses. You should update the law, delete the parts of fraud, marriage fraud, theft, identity theft, robbery, bigamy, abuse, torture, collusion, forgery, perjury, harass, trespass, detain, domestic violence, false report, violation, threat, drug abuse, isolation, slander, defamation, abscond, mistreat, misconduct, discrimination.

Since your judgements are never based on evidence or fact, you should add a note says more declarations more credibility. Since you don't follow court rules, you should delete the parts of rules on motion, evidence, valuation, litigation, prosecution, judiciary. You should redefine "voluntary" "victim" "criminal", add a note as "The purpose is to fulfil obligations and procedures.



Definition is the court can force and order anyone to do anything or to be any certain way. The court is not under any jurisdiction, the court can delay trial when they need time to wear down one's willpower. The court can violate any law and rule. If you are treated with misconducts, don't panic, don't worry, don't be afraid, don't fight, you are not the first, you are not the last. The court will find you as incompetent when they need to."

Since you cannot distinguish victim from criminal. You should add a note to victim and criminal says "Any case only if two parties are both white, the judgement shall pursuant to the richness, otherwise the white is the victim, and the other party is the criminal. If between two non-whites, pursuant to the richness or whatever."

Most importantly, all provisions above are internal. As for the external version, the superficial need is reserved, the strategy is to stay silent, trash talks are more important, acts are the mercy, the necessary is to add a note says, "We protect your rights, your rights value, your lives matter. Welcome to America, to democracy and freedom."

## RELIEF

*State briefly and precisely what damages or other relief the plaintiff asks the court to order.*

*Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.*

### **I. What damages (Attachmen page 1-103 & Appendixes)**

1. <MIGUEL RIVERA AKA> Bigamies, frauds, perjuries, thefts, identity thefts, detains, tortures, abuse, domestic violence, relationship scam, defamations, libels, frames, forgeries, briberies, false malicious reporting, collusions, criminal mistreatments, harassments, assaults, insanities, tampering, malicious mischiefs, robberies, burglaries, trespasses, anticipatory offenses, abusive litigations.

2. <Defendant 2-6> Perjuries, malicious defamations, collusions, criminal concealing, discriminations.

3. <Police officers> Trespass, collusions/concealing, false reporting, perjury, discrimination.

4.<Seattle City Attorney> Abusive litigations/powder of discretionary, tortures, misleading, false advertisement, malicious prosecutions, collusions/concealing, violations, discriminations.

5. <Seattle Municipal Court> Violations of cannon, abusive litigation, discriminations, tortures, collusions, illegal enforcements, false advertisements, threats.

6. Destruction of my life, damages to my families and friends.

## II. other relief

1. [Official Announcement/Certification/Clarification] which at least contains statements of the events, brief of all the related facts in the time from September 16th, 2020, to the present.

2. [Additional Announcement/Clarification] of the defendants/detractors/detractresses which at least contains the facts and contexts of their false statements.

3. For the purpose of above 1, 2 is to comfort the damaged families and friends, thus any other forms may be acceptable.

4. [Medical support] or any other supportive manner such as therapist, as so far not one relief has been proposed or supplied except the shelter. I know I really do need emotional relief.

5. [Certification] of Invalid Marriage/Domestic Relationship Order (Annulment Decree).

6. Any othe relief may be willing to be provided.

## III. Basis of claim are continuing at the present time

1. Seattle City Attorney (aka:SCA) Miguel Rivera (aka) and Seattle Municipal Court (aka:SMC) cooperated each other fabricated stories of violation at the recent hearings. For example:

The hearings on 06/28/2021 and 06/30/2021.

A. SCA falsely claimed *I hacked Miguel Rivera's (aka) social media account(s)* so that I *was able to* sent *"divorce papers"* to his friend's (Ildiko Baldwin) *address* when he's in FL *for a funeral*.

B. The marked parts of A were aboslute malicious perjuries/prosecution because I had previously filed the proof of mailing to SMC 19 days before the hearings.

C. Two different SMC judges had the same query around the similar section of the hearings in the

same sentences about my English language, which were discrimination and unconstitutional.

D. SMC dismissed my filed motions without A reason, claimed the filed documents as non-relevant without reviewing, decided to put me in custody based on A.

E. SMC didn't know/answer my question of what to do about crimes and when the prosecutors are unlawful on the hearing but SMC know how to delay the trial without A reason by issuing the order of competency valuation without A reason

The hearings on 07/15/2021 and 08/26/2021

A. SMC dismissed my motions again and again without A reason, again and again didn't answer my requests and queries, they totally neglected.

B. SMC forcibly ordered the valuation when I repeatedly emphasized I was not willing to, the process was not necessary, I was not incompetent, the law stipulated the valuation needed to be voluntary.

C. SMC threatened me as "Otherwise, Warrant(s) will be issued" against to the law.

D. See more details on "Statement" part above.

2. Based on 1 it's obvious they had never stopped abusing. No matter how many times after times I emphasized on the facts, violations are the only answer. While under covers Miguel Rivera (aka) "admitted" his crimes, absconded out of the state, created fake materials for SCA and SMC.

3. Until this moment, all my statements are too factual for them to provide A reason, neither for one explanation of the "immunity". Nobody had done anything lawful but everyone had been abusive and unlawful. The main color is hell.

4. See more details on "Statement" part above

#### IV. the amounts of any actual damages and reasons

---Statements and details in Attachment 1

1. Frauds - Fincial loss and costs – \$29,800

(1) 11/20/2020 \$3700 (2) Rents \$1400 (3) 01/16/2021 \$800 (4) 01/25/2021 \$2500 (5) Flight tickets

¥ 52600 (6) Vocational costs ¥ 37500 (7) suitcases \*2 ¥ 800 (8) iPad \*2 ¥ 6000 (9) iPhone ¥ 4000 (11)

Medical cost \$1500 (11) others ¥ 2000-5000 (12) Rental Promotion “10 weeks for free” \$3600

2. Loss of revenue caused by all the defendants. \$246,000

Monthly average salary: \$6000. Time span: April 2018 to present (September 2021)≈41 months

3. Parts on Premarital agreement and behavior magage contract.

This Agreement is entered into on this 7th of May 2020, by and between Ding Hui Deng & Miguel Rivera. Executed within or outside the United States or in another country. Both parties agree to relinquish any interest or loophole to disqualify or legitimately relinquish this agreement. Both parties acknowledge legal understanding to relinquish such and rights and advise the governing law to execute this agreement as legal despite such technicalities.

1. Purpose. The parties intend to marry each other on May 7th, 2020 in Bali, USA, Denmark and China. In advance of their marriage, the parties wish to provide for their rights and obligations in and to each other's assets and property including that which each of the parties currently and separately own, that which each will acquire separately during the marriage and that which both will acquire together during the marriage, in the event the marriage is terminated.

3. In the event the marriage is terminated, the marital property is subject to division as determined by the jurisdiction whose law governs the construction of this Agreement.

7. Property Acquired During Marriage. With respect to property acquired during marriage:

1. All property attained or acquired during the marriage will be subject to 50% community property division.

2. All assets and property that are earned and acquired by both parties through their joint efforts or given to both parties will be treated as marital property and owned equally by Deng Ding Hui and Miguel Rivera or as otherwise designated in a writing signed by both parties.

12. Severability. In the event that any provision of this Agreement is held to be invalid, illegal or unenforceable in whole or in part, the validity, legality and enforceability of the remaining provisions shall not be affected and the remaining provisions shall be construed, to the extent possible, to give effect to this Agreement without the inclusion of such invalid, illegal or unenforceable provision.

13. Governing Law. The terms of this Agreement shall be governed by and construed in accordance with the laws of Florida, CA, PA and any other state we both hold residency in, not including its conflicts of law provisions.

14. Further Assurances. At the written request of either party, the other party shall execute and deliver such other documents and take such other actions as may be reasonably necessary to effect the terms of this Agreement.

4. Violations on Behavior contract. – Every Provision

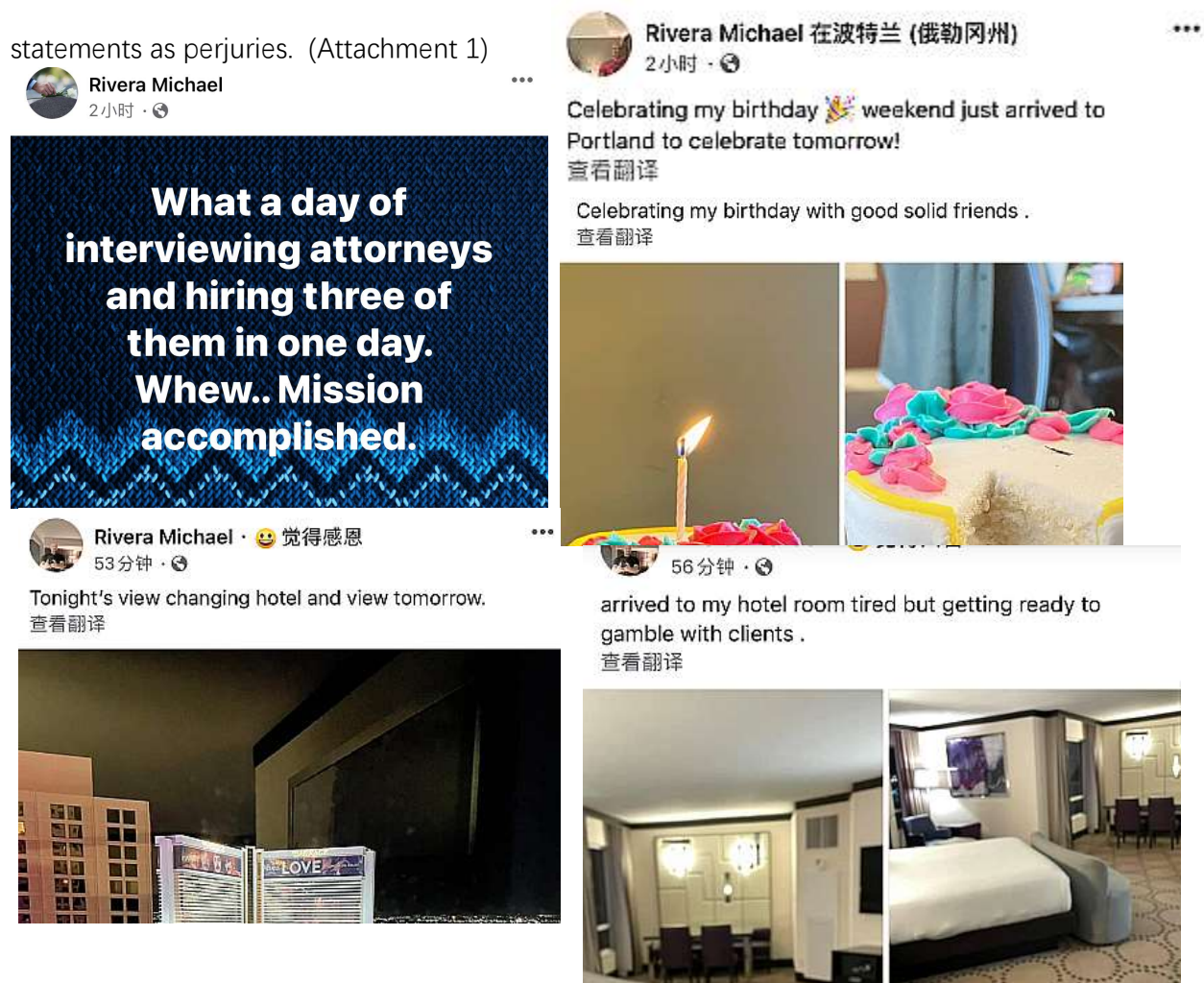
“This contract is entered into by and between MIGUEL RIVERA and DINGHUI DENG. The term of this Agreement shall begin on MARCH 25, 2020.  
In our relationship, we agree to:”

**GENERAL**

We promise to provide unconditional access to our hearts to each other and to be more gentle with the heart of each other.

5. Compensation for violations of items 3, 4 and damages caused. \$ 1,000,000

Miguel Rivera (aka) had committed to abusive and malicious litigations himself verified with his own posts on social medias to the public. He was abusing me and enjoying his life which proofed his statements as perjuries. (Attachment 1)







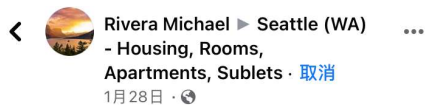
## 6. Identity theft.

Unknown how many thefts other than what I reported.



FTC Report Number:  
137999247

## 7. Unlawful dealings in shared properties, including my personal properties. \$5000



\$100 · Seattle, WA

(已售) **Sofa bed with built in mattresses**

发消息

8. The crimes of Bigamy and relationship scam.

**Marriage License Application** **King County** **Affidavit**

STATE OF WASHINGTON, King County

The undersigned, being first duly sworn, deposes as follows: That I am eighteen (18) years of age or older or if not, have parental, guardian, or court waiver as documented on the attached supplemental application; that if I am afflicted with any contagious sexually transmitted disease, the condition is known to the other applicant, and further, that I am not related to the other applicant. I understand that this marriage license is not valid for three (3) days from the date the application is filed and is void if the marriage is not solemnized within (60) days of the issuance of the license. I further understand that the marriage must be solemnized in Washington State.

Miguel Rivera  
Applicant's Full Legal Name (First Middle Last)  
Birth Date 03/06/1972 Age 53  
Birth Place Puerto Rico  
Present Address 1245 Auburn Way N #113  
Auburn WA 98002  
City State Zip  
Previous Address 1120 8th Avenue Apt. 11  
Auburn WA 98002  
City State Zip  
Subscribed to and sworn before me this 21st day of October, 2020

Miguel Rivera  
Signature  
☒ Single ☐ Widowed ☐ Divorced  
☐ Under Control of Guardian

N.S. BAE  
NOTARY PUBLIC  
STATE OF WASHINGTON  
COMMISSION EXPIRES  
APRIL 10, 2022

Dinghui Deng  
Applicant's Full Legal Name (First Middle Last)  
Birth Date 02/11/1972 Age 28  
Birth Place Hangzhou, China  
Present Address 1245 Auburn Way N #113  
Auburn WA 98002  
City State Zip  
Previous Address 1120 8th Avenue Apt. 11  
Auburn WA 98002  
City State Zip  
Subscribed to and sworn before me this 21st day of October, 2020

Dinghui Deng  
Signature  
☒ Single ☐ Widowed ☐ Divorced  
☐ Under Control of Guardian

N.S. BAE  
NOTARY PUBLIC  
STATE OF WASHINGTON  
COMMISSION EXPIRES  
APRIL 10, 2022

Department of Health • Vital Statistics  
**STATE OF FLORIDA**  
**MARRIAGE RECORD**  
TYPE IN UPPER CASE  
USE BLACK INK  
The license fee and cross index of Civil Court or County Court, appears therein

2012 ML 101589542  
(APPLICATION NUMBER)

**APPLICATION TO MARRY**

1. GROOM'S NAME (First, Middle, Last) <b>MIGUEL RIVERA</b>	2. DATE OF BIRTH (Month, Day, Year) <b>3/6/1972</b>
3. RESIDENCE - CITY, TOWN, OR LOCATION <b>LEHIGH ACRES</b>	3b. COUNTY <b>LEE</b>
4. BIRTHPLACE (State or Foreign Country) <b>PENNSYLVANIA</b>	5. BRIDE'S NAME (First, Middle, Last) <b>ABIGAIL PRIETO SOTELLO</b>
6. DATE OF BIRTH (Month, Day, Year) <b>3/28/1979</b>	7. BRIDE'S COUNTY <b>LEE</b>
8. BIRTHPLACE (State or Foreign Country) <b>MEXICO</b>	9. COUNTY ISSUING LICENSE <b>LEE</b>
10. DATE LICENSE ISSUED <b>09/11/2012</b>	11. DATE LICENSE EXPIRES <b>11/13/2014</b>

12. COUNTY CLERK  
**LEE**

13. CLERK OF THE CIRCUIT COURT  
**CLARK**

14. DATE OF MARRIAGE  
**10-02-2012**

15. PLACE OF MARRIAGE  
**FORT MYERS, FLORIDA**

16. SIGNATURE OF GROOM  
**Miguel Rivera**

17. SIGNATURE OF BRIDE  
**Abigail Prieto**

18. SIGNATURE OF WITNESS  
**John J. Stewart**

19. SIGNATURE OF WITNESS  
**John J. Stewart**

**CERTIFICATE OF MARRIAGE**

STATE OF HAWAII  
DEPARTMENT OF HEALTH

CERTIFICATE NO 151 2015 - 011460

NAME OF SPOUSE  
MINH THANH NGUYEN

DATE OF BIRTH  
JUNE 16, 1989

FATHER'S NAME  
SAU VAN NGUYEN

MOTHER'S MAIDEN NAME  
DIEUHEN THI NGUYEN

SPOUSE'S DECLARED MIDDLE NAME(S)  
THANH

NAME OF SPOUSE  
MIGUEL RIVERA

DATE OF BIRTH  
March 6, 1967

FATHER'S NAME  
ISRAEL RIVERA

MOTHER'S MAIDEN NAME  
COLON

SPOUSE'S DECLARED SURNAME  
NGUYEN-RIVERA

DATE OF MARRIAGE  
July 8, 2015

DATE ACCEPTED BY STATE REGISTRAR  
July 10, 2015

PLACE OF CEREMONY  
MAGIC ISLAND BEACH PARK

WEDDING PERFORMER  
Reverend TONI BARAN

COUNTY  
HONOLULU

ISLAND  
OAHU

THIS COPY SERVES AS PRIMA FACIE EVIDENCE OF THE FACT OF MARRIAGE IN ANY COURT PROCEEDING. (HRS 875-13(a), 338-13(b))

ANY ALTERATIONS INVALIDATE THIS CERTIFICATE

9. Other crimes and violations such as tortures, assaults, perjuries, defamation, ect.

10. Other pain and suffering damages for his Intents to transfer me with STDs, which also exposed his shameless, dangerous, unloyal cheating identity

12. Take 8, 9 for examples, pain and suffering damages caused by Miguel Rivera. \$1,000,000

13. Misconducts of Seattle Police Department officers such as trespass, false reporting, false arrest, misrepresentation, collusions etc. and pain and suffering damages caused. \$534,000



14. Pain and suffering damages caused by SCA and King County Attorneys such as malicious prosecutions, misrepresentation, abuse of process, discriminations, collusions, etc. \$1,068,000

15. Pain and suffering damages caused by SMC and King County Superior Court such as malicious prosecution, misrepresentation, discriminations, false imprisonment, abuse of process, slander, violations, abused power, unlawful procedures, threatens, etc. \$1,084,000

16. The distance from humanity. Discriminations, double standard, humiliation, shame.

When it's dismissed by County Attorneys again with jokes. ↓ ↓ No reply as how it has been.

Prosecuting, Attorney <[Attorney.Prosecuting@kingcounty.gov](mailto:Attorney.Prosecuting@kingcounty.gov)>于 2021 年 7 月 7 日 周三 14:44 写道:

Dear Mr. Deng:

Thank you for contacting the King County Prosecutor's Office regarding possible criminal activity. The Rule of Professional Conduct prohibits our office from providing legal advice, legal analysis, or giving legal opinions to anyone outside of our King County government clients. As a result, we cannot answer your legal questions.

Our office does not investigate potential crimes. We do not have grand jury investigative powers in the State of Washington. We must rely upon law enforcement to investigate a matter and to determine under oath that probable cause exists that a criminal offense has occurred. As a result, we file cases only after they have been investigated and referred to us by law enforcement.

If you believe that a crime has been committed, you should first contact local law enforcement so they can determine whether or not a criminal investigation is warranted and whether to refer the matter to our office for filing consideration.

After contacting the police, you may be informed that the matter is civil in nature. If this is the case, then you should attempt to contact a private attorney to consult with that attorney over your next step in dealing with this matter. You can consult with an attorney through the King County Bar Association Lawyer Referral Service at <http://www.kcba.org/lrs/> or by calling (206)267-7100.

Thank you again for taking the time to contact our office. I hope this information has been helpful.

Sincerely,

King County Prosecutor's Office

DH Deng <[dengdinghui0217@gmail.com](mailto:dengdinghui0217@gmail.com)>于 2021 年 7 月 7 日 周三 15:37 写道:

Yes. I understand that. But the bigamy and fraud matters were forwarded to the county attorney as was recorded on the police report.. But the county attorneys dismissed that complaints

To: Prosecuting, Attorney

Oh sorry but also. The perjuries, collusion, forgeries under king county superior court cases should be a part of the county prosecuting attorney's determine and investigations right? The Code authorizes prosecuting attorney with the unique and only power of discretionary as well as the duties are to take actions when facing crimes...

I understand it's to equal every department's with their specific powers. Since there are obvious crimes happened and happening, just by kind of "fooling" me with "kicking balls", that's not nice reasonable and that's not even lawful.. I really would rather you never replied my than pushing away your responsibilities..

I was thinking as oh finally, but the same after all. You brought me with some hope but it turned into the same results, the Disappointing hurts.

Sarcasms From the fact and themselves.

### Report Number 2021-082422 - Incident / Offense Report Report

REPORT DATE / TIME	PRECINCT / SECTOR / BEAT / RA	CAD EVENT START DATE / TIME - CAD EVENT END DATE / TIME
Apr 5, 2021 21:24	W / K / K1 / 3167	Apr 5, 2021 20:30 - 21:40

His estranged husband (Miguel Rivera) married him when he was already legally married to two other individuals. He discovered Rivera had another husband, and wife. They were originally married in Indonesia, and later certified their marriage in New York when they moved to the United States. He cut off all ties with Rivera when he learned he was the third person legally married to him.

Deng provided copies of his King County marriage application, a foreign police report, images from his wedding, and a text message chain between him and Rivera.

I collected the documents, and submitted the evidence Deng provided.

Investigation:

1) 04/09/21 1300 Assigned case to myself as A/Sgt due unit workload.

Screened case with KC Prosecutor's Office. KC Prosecutor Supervisors D. Martin and B. Maryman.

Requested to copy of report before any investigation.

Completed Anticipated Decline form.

Copy sent to Prosecutor's Office.

2) 04/20/21 0800 Received decline from King County Prosecutor's Office.

Closed- Exceptional

---

Why didn't they dismiss charges since protection order had been dismissed by their logic?

To: DH Deng

Thank you for sending this to me! I'll add it to your file.

I did request a recording of the court audio, but the court has not been very responsive as of late. When I receive it I will forward it to you. The audio may require a certain software.

In addition, I did finally get a response from the court clerk about the modification. Motions for Modification are meant to modify already existing orders, so when the Jude denied the protection order, there was nothing to modify. In order to change the parties, a realignment should be requested so that the cases can be heard at the same time, if that makes sense?

On Fri, May 7, 2021 at 7:18 AM DH Deng <[dengdinghui0217@gmail.com](mailto:dengdinghui0217@gmail.com)> wrote:

---

Sadness to justice.

Case #: 82887-8  
City of Seattle, Respondent v. Dingh H. Deng, Petitioner  
King County Superior Court No. 21-1-05123-8

Counsel:

The following notation ruling by Commissioner Masako Kanazawa of the Court was entered on August 31, 2021:

"Dingh Deng is currently charged with violating a temporary protection order in Municipal Court. Deng seeks discretionary review of an August 10, 2021 superior court order that dismissed his interlocutory appeal of the municipal court's initial determination of probable cause, issuance of a domestic violence no-contact order, setting bail, and issuance of a bench warrant. It appears the superior court declined to issue an order of indigency, noting that Deng's interlocutory appeal had been dismissed.

Pursuant to RAP 15.2(c), the superior court is requested to determine the indigency of Deng seeking review at public expense in this Court."

17. It appeared they regarded crimes as important and serious as insignificant and scrap. It seemed like justice matters and doesn't matter. It felt like they've been saving but harming for real. Their "victim" had been abusing deceiting and offending, he is, he will. It's been reversed role-exchanged that I've been working on their jobs and requesting them to follow the law, stick to the facts and rules to whom entitled such. It has been too much more than misconducts.

18. A repeat reminder proposal and idea: Efficiency does not equal to lazy and irresponsibility, attorney dose not proceed engaged function anymore. The justice is dying, and before banning "attorney", the poison won't stop persecuting until toxic. Which was based on the facts and the experience, though I've done much more than my responsibility. The water can carry a boat, either can overturn it. When it's necessary, it's too late.

As abovemetioned, I request the total amount to be: \$5,561,800

## V. The violation of the civil rights laws Include as much information as possible

Regarding to the U.S. Constitution, Washington Law Against Discrimination and primary civil rights law, SMC Title 14 - HUMAN RIGHTS there are violations of the civil rights laws as:

- ✓ **The Fourth Amendment:** The right of the people to be secure in their persons, houses, papers, and effects
- ✓ **The Fifth Amendment:** the right to a jury trial, the right to a fair trial, protection against the taking of property
- ✓ **The Sixth Amendment:** Rights of the Accused
- ✓ **The Eighth Amendment:** Excessive bail and fines, cruel and unusual punishments
- ✓ **The Thirteenth Amendment:** Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted. Thirteenth Amendment goes to protect against slavery and discrimination.
- ✓ **The Fourteenth Amendment:** No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. The Fourteenth Amendment is there to provide a basis for a legal challenge.

---

A Theory of Judicial Review 34–41 (1980); and C. Black, Decision According to Law (1981), critically reviewed in W. Van Alstyne, Slouching Toward Bethlehem with the Ninth Amendment, 91 Yale L. J. 207 (1981). For a collection of articles on the Ninth Amendment, see The Rights Retained by the People: The History and Meaning of the Ninth Amendment (Randy E. Barnett ed., 1989).

Insurance Co. v. New Orleans, 13 F. Cas. 67 (C.C.D. La. 1870). Not being citizens of the United States, corporations accordingly have been declared unable to claim the protection of that clause of the Fourteenth Amendment that secures the privileges and immunities of citizens of the United States against abridgment by state legislation.

When process is due. In its early decisions, the Supreme Court seemed to indicate that when only property rights were at stake (and particularly if there was some demonstrable urgency for public action) necessary hearings could be postponed following provisional, even irreversible, government action. This presumption changed in 1970 with the decision in *Goldberg v. Kelly*, a case arising out of a state-administered welfare program. The Court found that before a state terminates a welfare recipient's benefits, the state must provide a full hearing before a hearing officer, finding that the Due Process Clause required such a hearing.

- unfair practice • Appeal as of Right • Race and color • National origin

- the guarantee to due process • equal protection • the right to legal counsel • the right to confront witnesses • the right to a jury trial

- The clause also promises that before depriving a citizen of life, liberty or property, government must follow fair procedures.

- Citizens may also be entitled to have the government observe or offer fair procedures, whether or not those procedures have been provided for lawfully on the basis of which it's acting.

- Action denying the process that is "due" would be unconstitutional.

- "Malice" "maliciously" shall import an evil intent, wish, or design to vex, annoy, or injure another person.

- "Omission" means a failure to act.

---

RCW 49.60.400 Discrimination, preferential treatment prohibited.

RCW 49.60.405 It is not an unfair practice when a distinction or differential treatment on the basis of citizenship or immigration status is authorized by federal or state law, regulation, rule, or government contract.

---

While there is no definitive list of the "required procedures" that due process requires, Judge Henry Friendly generated a list that remains highly influential, as to both content and relative priority:

An unbiased tribunal.

Notice of the proposed action and the grounds asserted for it.

Opportunity to present reasons why the proposed action should not be taken.

The right to present evidence, including the right to call witnesses.

The right to know opposing evidence.

The right to cross-examine adverse witnesses.

A decision based exclusively on the evidence presented.

Opportunity to be represented by counsel.

Requirement that the tribunal prepare a record of the evidence presented.

Requirement that the tribunal prepare written findings of fact and reasons for its decision.

This is not a list of procedures which are required to prove due process, but rather a list of the kinds of procedures that might be claimed in a "due process" argument, roughly in order of their perceived importance.

Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty. Betraying a willful disregard of social duty.

For the first time there was a response from city attorney was to dismiss my appeal, facing all the unchangeable facts, they manipulated and neglected the unjust and crimes. They never had done anything valuable to the duties. To an abuser and criminal, they hid evidence held up away from records, covered him up, watched him abusing me. When it comes to the abscond, they proposed a charge so that becoming a well-reasoned act. To someone seeking for justice, abuse, abuse, abuse and still abuse.

Judges don't know how to deserve themselves that title, when prosecutors are unlawful, they are the strongest supports to n them. As rule makers, they didn't follow any rules but forced me to accept their unlawful orders otherwise in jail. They don't care about justice, who is criminal or human rights, otherwise in the opposite.

In the name of law and rules, their threats have a nicer and powerful shall called orders by "finding good reasons." I wonder when they will find for themselves. Language barriers are their method to stigmatize me of incompetency. Their malicious attacks of language level of discriminations are the strategy to delay the final decision so that there's no appeal.

I really doubt what is so different, why so abusive. Not to mention about misconducts unlawfulness or discriminations, they had let free a criminal. How can they act like the reverse? How can they knowingly do? How can they sleep with that? How inhuman to abuse the being abused?

## **VI. Name/Title of Person(s) Responsible:**

Police Officer: Abshir Hussein, Sean Lane, Akiyama Emily J, Gorge Corey L

City Attorney: Zavidow Grace E, Jane Doe,

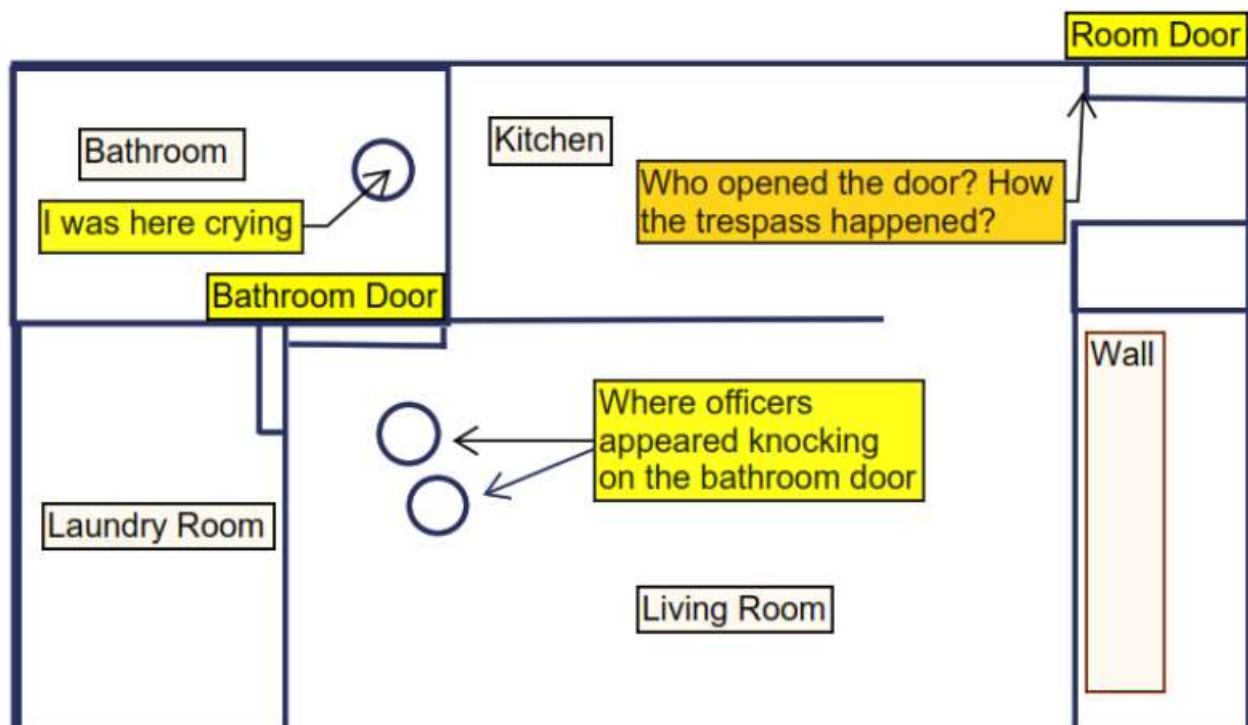
Seattle Municipal Court Judges: Honorable Catherine McDowall, Honorable Adam Eisenberg

Seattle Municipal Court Magistrates: Honorable Jerome Roaché

## **Detail of evets:**

 **Police Officer Abshir Hussein:** 1. False Report. 2. Collusions 3. Tort





On 01/26/2021, police report from officer Abshir. He falsely reported claimed that I attempted to reach out Miguel Rivera by calling the lease office, he stated "He (Miguel Rivera) was tearing and acting scared." During the arrest he claimed that he had personally seen the records from the court of me having (or had read) the Chinese language translation of the order. This wasn't on the police report. Officer also "stole" a part of my room key.

📌 **Police Officer Akiyama Emily J, Gorge Corey L:** 1. Not fair procedure – neglect of report for (criminal) broke-in/trespass. 2. Unlawful service of order. 3. Officers trespassed my residence.

On 01/23/2021 Based on police report, according to my declarations I had pointed out that the temporary protection order was never valid. After MR broke into my room with threats, I called 911, MR left, then I went to the bathroom crying. According to the below room structure drawing, as the fact that it was impossible for me to open room door for officers. The order should never be considered as valid for the fact that the two officers trespassed into my (living)room without my permission. The serve was unlawful, they did not explain anything on the order or interpret the order as I am from a foreign nation. I was even not told or received any warning that it was not

allowed for me to stay in the room, or the address was protected. Mostly importantly, from the photo of the order I received, there was no request for a protected residence/address.

Jan-23-2021 12:34:15 - SLIGHT LANG BARRIER,  
CALLER'S EX-PARTER AND ANOTHER MALE JUST BROKE IN  
RP'S DOOR, UNK WEAPONS

Related text page(s)

Author: 7870 - BOULLET, DANIELLE N.

Subject: TEMP PROTECTION ORDER/NOT SERV

Related date/time: Jan-23-2021 1245

From: BOULLET, DANIELLE N.  
To: East Dispatch  
Subject: TEMP PROTECTION ORDER/NOT SERVED  
Date: Sat. Jan. 23, 2021 @ 12:45:37

CHESLA, JOSEPH K(at CT26) on 2021-01-23 12:43:15  
- COMPL/DENG OVERHEARD THAT SUSP/MIGUEL IS GOING  
TO WAIT IN THE LOBBY AND LEFT THE ROOM. ADVISED  
RO TO STAY SEPARATED AND WAIT IN THE ROOM

12:51 Jan 23 ED 7870 A :2C2 PT 7675  
KNOCKING ON COMPL'S DOOR NO ANSWER

12:57 Jan 23 ED 7870 A :2C2 PT 7675  
CONTACTING ONE

13:01 Jan 23 ED 7870 A :2C2 PT 7675  
UNDER CONTROL



### Police Officer Sean Lane, JOSHUA LOBERG #8744 (Backing Officer)

"Rivera explained to me that he required our presence to take court ordered photos of the interior of the aforementioned address." "The protected party in the temporary protection order, Dinghui Dang, was not present" "Rivera was taking a video while exclaiming this, and did not wish to report any of it to police, claiming that it would be handled in court."

1. Officers didn't verify the exiting of the "order".
2. Miguel Rivera was not allowed to have a civil standby without me at present. And Officers should not let him in my room in the first place.
3. Miguel Rivera falsely reported missing items.
4. Things I found out missing by the next day:
  - A. My city citizen ID card. B. My degree documents, C. 800 US dollars cash. D. Two signed documents of declarations from Yanmei and Hongyuan Lai. And the related supportive papers.

### **Supportive laws**

Fourth Amendment to the United States Constitution RCW 9A.76.175 Chapter 10.79 RCW Chapter 9A.52 RCW, RCW 59.18.370 RCW 10.99.030, Chapter 2.42& 2.43 RCW, RCW 43.43.030

### City Attorney: Zavidow Grace E

The prosecutor dismissed one charge because my intent was verified not to reach out to Miguel



Rivera. Though he claimed met me in person, I was trying to assault him in the apartment lobby. Which turned out false and perjuries, where is the outcome of MR's perjuries, false reporting manipulation? Further, based on the Police Report 20-324971 I was kicked out into the shelter (Exhibition Hall), though I never went to him. Is there any reason/intent for me to reach out to him since his abuse had gone into an unbelievable level?

As the fact that I was (in short) abused by him. All of his litigations are abusive false malicious and unlawful. The filed documents had listed how he abused me. Additionally, I even enumerated his historical domestic abuse to his priors, I gathered proofs of his crimes. Regarding to RCW, the first basic of any crime is the intent. To be objective and logical, how abusive I needed to be to abuse MR as a total foreigner? (Nothing, nobody, never studied law related...) How vulnerable he needed to be so that he was being abused in his country, around his people, his fields for the longest...?

Though the prosecutor did not stop her abusive/malicious charges, she charged me for violations stated as I hacked MR's social media accounts, then I got his friends' address. During the time MR went to Florida to attend a "funnel", (I believe it's a lie) I sent /served divorce paper to the address. It again proofed the prosecutor never verified anything from MR as well as her malicious abusive discretionary litigations. Because before her charges, "predictably" I filed the proofs to both Seattle Municipal Court and King County Superior Court with the certificate/proof of service. As the filed fact, the divorce notice was being served by email to his attorney Mr. Timothy A. Lechner. It was the notice of appeal being sent/served to the address according to the previous declarations. For additional, as another obvious proof of perjury, Ildiko Baldwin was not honest about her address on her declaration. It was noticed by the FedEx operator, he found out it was not a match to the address and postcode. Who does not remember her own address for years?

No matter to the above facts, and everything from MR, From the beginning of the case which were enough to dismiss the charges regarding to RCW. For every charge, I have collected sufficient evidence for my innocent and MR's crimes. There was not one open eye willing to see those facts, no one was fair. I was never provided with any reply, response, notice, or anything related.

Prosecutor, even just only in this small part, from what officer affirmed that Miguel Rivera

complained he met me in person, claimed I was trying to assault him in the lobby of the apartment. Even if besides the facts he detained my properties, lied to the court, even stated "this time officer Abshir made sure it says violation on the report." on the protection order hearing. What is the standard and where are the so called "rules" and "laws"? Where are the immunities from? What is the logic or standard of your prosecutions?

---

**Seattle Municipal Court Magistrates: Honorable Jerome Roaché**

**Seattle Municipal Court Judges: Honorable Catherine McDowall, Honorable Adam Eisenberg**

On 6/30 hearing, around the same time section of the hearing on 6/28. both judges denied my motions, claimed those as non-relevant with the same sentence. Both of them asked me the same questions at similar time section on two different hearings:

1. Is it necessary for me to have an interpreter?
2. If so, how come the documents I filed were in English

It seems they were following the same agenda, otherwise too incidental. How about decisions?

I then asked for reasons why dismissed and not relevant, emphasized pointed out crimes verified on my brief. I also asked what their reactions to crimes are, what if the prosecutor is abusing her power.

The judge stated what I filed were "facts", which should be exhibited to the jury instead of the court, she stated that's how much the court can answer. The judge stated the city will be in charge of crimes, she did not response to the second situation. Then she warned me of potential penalties to be a pro-se, stated the public defender make right decisions. Who turned me into mute, never voiced any facts for the case.

I asked again for their reasons to dismiss. I stated the court had gone into the opposite direction, I never abused Miguel Rivera, but he did. I asked why the prosecutor had been holding up my proofs away from the court. Why there is no penalty or cost for Miguel Rivera's countless crimes. Even the order itself was not valid because the police officers trespassed into my room to serve me.....

The judge focused on how to frame me of incompetence. She had a short pause with the service but ignored. She told me only after the final decision, I have the chance to appeal, like for hers. Later she asked for the prosecutor's charges. While she asked me to stay quiet because my attorney will "represent" me. It was really such a blasphemy to justice, especially the prosecutor cracked her fingers then proposed two absolute malicious and false charges.

The prosecutor turned out to be more abusive/malicious, she charged me for violations stated as I hacked MR's social media accounts, then I got his friends' address information. When he's in Florida for a "funnel", (I believe it's a lie) I sent/served divorce paper to his friend's address. Ironically, I had filed proofs to both courts previously before hearing. While exposed for sure they didn't review my motion. Since from her statements the attorneys always make right prosecutions, what is her function to the court? ***It was so obvious that they had been following a prepared instruction, what's the point of hearing?***

Further, Miguel Rivera's friend Ildiko Baldwin, wasn't even honest about her address on her declaration. It was the FedEx operator, he found errors to match the address with the postcode. Why did not she remember her own address? While it was the notice of appeal being sent/served to the address, the certificate/proof of service was filed to both Seattle Municipal Court and King County Superior Court. The divorce notice was being sent to his attorney Mr. Timothy A. Lechner through E-mail. It was Miguel Rivera's perjury, the best sample of him being good at making big lies out of small non-relevant facts. It was also malicious charges that she never verified authenticities but kept abusing. Kept abusing and abusing her discretionary power. So, I filed motions, tried to seek just. I never thought even the judges were the same.

Shamelessly the judges had no review on my motions, but decided to put me in custody, like some prosecutor's follower. It was really such a blasphemy to justice. The rest procedure was so quick like they have "rehearsed". It was the only moment the public defender volunteer on something. He participated in the order for evaluation. Which I did not know about, the public defender explained to me that the court may dismiss the case depends on the result of evaluation. Until I got out experienced another turn of torture in custody, I got the meaning of that order.

On the surface the court skillfully ordered evaluation for competency. The real purpose was to *stealthily visualize me to be incompetency*. As a smart strategy, the most sneaky and nasty part is no matter what competency, the result will *either be I'm "crazy" or guilty*. While they *delayed the day of "final decision"* into November from August. They designed such best plans and speeches to higher courts: "He appeared to be "crazy" so that the evaluation is in pending, meanwhile there's no 'final decision'."

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## Abusive litigation

From how he used to abuse me to how he used to abuse his priors, there are copies of his DV records, there are declarations, there are conversation histories. From the unlawful service. From

the first day in this country to where I am, I had summarized his patterns since last year, which predicted his continuing behaviors. From perjuries to bigamies, I provided proofs, listed every one of his crimes. I collected the (court) records from 2002 to 2018, among many cities in states of PA, FL, NY, CA... I exhibited how his perjuries looked like on courts.....

I don't know how much time and how many tears constituted, how many damages there were. What's fair and unfair, whatever simply turned in one word "non-relevant" to Seattle Municipal Court.

I wonder and plead to know if your courts had made decisions, or never planned on any further actions, I plead my rights to be informed. Please inform me there is no justice and identify courts in Seattle and King County as simply only just titled in Justice named in courts. I am willing to participate in the ruled predictable "show" and to save some public resources, to save parties' time of lives.

## Appeal

After I served the city with the motion to appeal, I finally received the first but only response for all the time and cases. Sure, the city filed motion to dismiss. Then I replied as

### **B. For what city concerned, the rule of "final decision".**

Firstly, according to RCW 2.04.190, 2.06.030 RALJ RULE 2.2 (a)(2) & (d)(1)(2)(3), RCW 34.05.001, 518. It is proper and legal to grant appeals about decisions and not limited to the "final decision".

Secondly, the "final decision" rule was made to ensure a high efficiency to court's process. Based on current position, city stayed innocent and went towards to the opposite. Including this motion to order for dismissal. It is a waste of process. The city costs sources on their dignity and started to discuss about rules, but they are who had been against to the rules, against to the intent of rules made and wrongly used the rule.

Thirdly, I do not have work permit or any legal method to support myself. I

had been participating, collecting, waiting patiently in good faith for five months. Ended up being muted from voicing, abused by litigations.

Fourthly whether court rules or reversed codes, laws. They serve the same positive intentions/energies. The city has neglected their duties and is still increasing injustice. To compare each the city and I had achieved, it is an abusing disappointing, ruthless, dangerous purposeless joke.

I plead and declare in good faith, for a matter of rights, with positive intents, for a speedy trail, in a hope of lawful expressions, follow the real purpose of rules and codes, there is no reason to grant dismissal. It is necessary to pick up this case to the right direction. I had been being tortured in the nightmares for too long and even the case has been waiting for justice for too long.

I was released on 7/6/2021 around 9-9:30 am, in custody since 6/30/2021 for appearing in person to quash warrant in Seattle Municipal Court Room 902 around 11:30 am. Which caused the failure of appearance for the previous(dismissal) hearing on 7/6/2021. Though I tried to call and left messages to King County Superior Court around 10 am. and 12:30 pm. I left message to the Municipal Court and City Attorney's office as well. There was no response from neither the Superior Court or Municipal Court and City Attorney. I pleaded my rights to be informed but until now



nothing in return. I filed affidavit to both courts, part as

I reserve the right to claim and to appeal to higher courts to grant my motions. if until the end of day 8/25/2021 there was no response regarding to related rules and codes, it will be considered as the Seattle Municipal Court agrees to my motions: 1. motion of prejudice 2. motion to dismiss Case No. 658179 & 658597 3. motion to modify No-Contact Order.

I repeatedly plead to have the right to be informed with anything related. For clarification, all the appealing files, Motions and any related actions were from/by me DingHui Deng myself only, please be respectful and no need to ask the person who is learning and following your "rules" in a different language. Most importantly, don't decided the undetermined, ignore the related. Please wait until you/your honor have finished reviewing and the ability of equal level of Chinese, question. Thanks.

---

Later I thought it was a hope when the county attorney responded and asked for details. Which turned out to be another hurt when she played the game of kicking balls stated they can only take actions when receive reports from the law enforcement, which they do not have. I guess 2021-082422 and 2021-183800 were fake.

***I can never figure out why, but I know how ridiculous and how desperate. Why me?***

## Statements

Pursuant to related codes, I have the right to refuse order to valuation especially when it's malicious in bad intents. (Section A) To reply to my requests for responses or lawful procedure to the motions. The Judge debarbed that, did not address any reason but stated as "If you don't go to the evaluation, then the court will more than likely to put you in custody." I requested for three times, replaced with three times of neglectation. He forced me to accept their UNLAWFUL Orders, kept pushing me to pick a time to the malicious order. He stated as "The court could grant warrants if you refused."

I stated as "The order itself was disqualified, and I have the right to choose. The court again didn't proceed anything lawful; the court is not following the law but how come you are asking (pushing) me to be a certain way?" He debarbed what I questioned again and passed on to exert/abuse his power. "I'm going to ask this for one last time. What time? Nine o'clock or one thirty?" His authorities evidently turned to THREATS. My response was "I don't want to have this,



I'm not willing to let me..." The judge interrupted me, "I've heard for times that you're not going to cooperate and chose the evaluation time. So, I'll hear from the counsel."

During the judge specially brought up the affidavit of disqualification of judge. I was not left with any time or a chance in the rest part. To retrospect the previous hearings, all the hearings are in exactly the same way. I could have been put in custody for no reason again.

Seattle Municipal Court has been engaged in criminal enterprise, seemed like they are fighting crimes as though out of nature that I do not deserve a right. I have really widened my sight, firstly comprehend and been taken with these unexcepted discriminations, how outrageous and far away from justice a court can be. Even if you accomplished yourself to turn the facts upside down, Miguel Rivera won't be changed. What you had done are always intolerable to the law. The energy and time you had spent on are always by no means retrievable. One more second you stick to you arrogancy thinking of being a wiseacre, one bigger possibility to meet another tragedy.

"Threat" means to communicate, directly or indirectly the intent:

(a) To cause bodily injury in the future to the person threatened or to any other person; or

(b) To cause physical damage to the property of a person other than the actor; or

(c) To subject the person threatened or any other person to physical confinement or restraint; or

(d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or

(e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or

(f) To reveal any information sought to be concealed by the person threatened; or

(g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or

(i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

(j) To do any other act which is intended to harm substantially the person threatened or another with respect to his or her health, safety, business, financial condition, or personal relationships.

Case: 658597 Defendant: DENG, DING H		
Create Date ▼	Comment	
Case: 658597 Defendant: DENG, DING H		
Create Date ▼	Comment	
08/11/2021 15:08	Strike prior order. This motion was filed by defendant not victim. Motion to modify denied. Address any additional issues at 10.77 return date.	Judge DAM
08/11/2021 15:03	Keep return date.	Judge DAM
<u>I reserve the right to claim and to appeal to higher courts to grant my motions. If until the end of day 8/25/2021 there was no response regarding to related rules and codes, it will be considered as the Seattle Municipal Court agrees to my motions: 1. motion of prejudice 2. motion to dismiss Case No. 658179 &amp; 658597 3. motion to modify No-Contact Order.</u>		

As on my motions filed previously pursuant to CrR8.3, I asked Municipal Court again for lawful procedures. But Pursuant to CrR 8.3 or 4.5 , Seattle Municipal Court again didn't follow court rules. Municipal Court hadn't provided any lawful procedure to (dismiss) my motions, not just for once. Therefore, I affidavit emphasized "regarding to related rules and codes". Municipal Court has not responded the previous mentioned. Municipal Court had never provided reasonable/lawful proof evidence or supplement for their decisions/orders. Additional misconducts, discriminations, and supportive rules for judicial review. I have no criminal records. I never have practiced anything unlawful or abusive, but the court had been in the opposite direction. The criminal had damaged many lives and mine, one more day in the wild equals to one more day in danger to his surroundings.

I can never understand why, what for. What does the prosecutor gain holding up my evidence, granting malicious charges. It became so utterly preposterous that they appeared righteous about what they don't even know. The courts have the exact same character, which is sick. I can strongly feel their rigid solidity in the flow. The position of attorney only effected more on increasing unfairness and unjust. In the end setting up an order prepared themselves some route, careless about how nasty it looked like. Why didn't the court evaluate competency at the beginning but right after I sought for just? Have the court ever been at fault? Why so much defensive as abusive? Eventually, it turns out obviously they caused greater damages, lost more dignities, appear to be worse. The days in custody were the worst days. I pleaded temporary release because of my grandfather's funeral. But what was waiting was a restricted cell, for someone accused what I said as I needed to attend my funeral. Nobody else's but mine. How vicious! After clarification, I was still being put in there for lack of room. How generous! They did their best delaying the case, kept torturing and abusing me.

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### Additional discriminations

**1. Nation/Language, both two judges proposed the same malicious questions tried to reverse my right to interpretations.**

2. There's no fairness humanity or justice. Dismissed motions without reviewing the context.
3. Forcibly ordered the valuation without no reason when the law requires to be voluntary.
4. Threatened otherwise warrants when the law prohibits order and litigation out of such.
5. Forced me with a muted attorney, abusive prosecutors, discrimination disable judges.
6. There's no humanity to me, there's no justice but imprisons, there's no shame but sickness.



### **Information regarding the Court.**

The court does not have any reason to FORCIBLY order valuation, the purpose of Municipal Court isn't aiming to/doesn't match to:

The purpose of this act is to sustainably improve the timeliness of services related to competency to stand trial by setting performance expectations, establishing new mechanisms for accountability, and enacting reforms to ensure that forensic resources are expended in an efficient and clinically appropriate manner without diminishing the quality of competency services, and to reduce the time defendants with mental illness spend in jail awaiting evaluation and restoration of competency." [ 2012 c 256 § 1.]

The purpose of this act is to make technical non-substantive changes to chapters 10.77 and 71.05. No provision of this act shall be construed as a substantive change in the provisions dealing with persons charged with crimes who are subject to evaluation under chapter 10.77 or 71.05 RCW." [ 1999 c 13 § 1.]

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ARTICLE II. 4 (a) (1) (C) engaging in improper ex-parte communications with parties or counsel for one side in a case.

(2) (B) treating litigants, attorneys, judicial employees, or others in a demonstrably egregious and hostile manner; or

(4) Retaliation. Cognizable misconduct includes retaliating against complainants, witnesses, judicial employees, or others for participating in this complaint process, or for reporting or disclosing judicial misconduct or disability.

(5) Interference or Failure to Comply with the Complaint Process.

ARTICLE II. 4 (b) (1) Allegations Related to the Merits of a Decision or Procedural Ruling.

(2) Allegations About Delay.

Rules 4(a) (2), (3), (4) reflect the judiciary's commitment to maintaining a work environment in which all judicial employees are treated with dignity, fairness, and respect, and are free from harassment, discrimination, and retaliation.

Rule 4(a)(5) provides that a judge's refusal.

Rule 4(b)(1) tracks the Act, 28 U.S.C. § 352(b)(1)(A)(ii), in excluding from the definition of misconduct allegations

With regard to Rule 4(b)(2), a complaint of delay in a single case is excluded as merits related.

A presumption in favor of deciding petitions on their merits furthers both public and private interests because the mental and physical well-being of individuals as well as public safety may be implicated by the decision to release an individual and discontinue his or her treatment.

## **Unjust-the abandoned rights**

RCW 71.05.217 Findings—Intent—2018 c 201: "The legislature finds that: (1) Washington state government must be organized to be efficient, cost effective, and responsive to its residents. Right of action—2016 sp.s. c 29: "This act does not create any new entitlement or cause of action related to civil commitment under this chapter and cannot form the basis for a private right of action." [ 2016 sp.s. c 29 § 802.]

RCW 71.05.010 Legislative intent. (1) The provisions of this chapter apply to persons who are eighteen years of age or older and are intended by the legislature:

- (a) To protect the health and safety of persons suffering from behavioral health disorders and to protect public safety through use of the parents patriae and police powers of the state.
- (b) To prevent inappropriate, indefinite commitment of persons living with behavioral health disorders and to eliminate legal disabilities that arise from such commitment.
- (c) To provide prompt evaluation and timely and appropriate treatment of persons with serious behavioral health disorders.
- (d) To safeguard individual rights.
- (e) To provide continuity of care for persons with serious disorders.
- (f) To encourage the full use of all existing agencies, professional personnel, and public funds to prevent duplication of services and unnecessary expenditures.
- (g) To encourage, whenever appropriate, that services be provided within the community.

(2) When construing the requirements of this chapter the court must focus on the merits of the petition, except where requirements have been totally disregarded, as provided in *In re C.W.*, 147 Wn.2d 259, 281 (2002).

RCW 71.05.500 Liability of applicant. Any person making or filing an application alleging that a person should be involuntarily detained, certified, committed, treated, or evaluated pursuant to this chapter shall not be rendered civilly or criminally liable where the making and filing of such application was in good faith.

RCW 18.88A.090 Competency evaluations. CrR 4.2

RCW 10.77.010 Definitions.

(11) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(14) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(16) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(24) "Violent act" means behavior that:

(a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat, would have resulted in, homicide, nonfatal injuries, or substantial damage to property.

(b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

### **Disobey Court Rules and the Law.**

Every procedure shall be made lawfully and subject to supervision in accordance with the law.

RCW 10.77.068 (v) **The defendant asserts legal rights that result in a delay in the provision of competency services.**

To be eligible for an order for outpatient competency restoration, **a defendant must be clinically appropriate and be willing to.**

### **No reason to believe that the defendant may have a developmental disability.**

Information regarding why it is believed the defendant may have a developmental disability may be added here:

1. The defendant receives Developmental Disability Administration Services.
2. The defendant received special education services specifically for a developmental disability.

(2) The department shall:

(a) Develop, document, and implement procedures to monitor the clinical status of defendants admitted to a state hospital for competency services that allow the state hospital to accomplish early discharge for defendants for whom clinical objectives have been achieved or may be achieved before expiration of the commitment period.

(b) Investigate the extent to which patients admitted to a state hospital under this chapter overstay time periods authorized by law and take reasonable steps to limit the time of commitment to authorized periods; and

(c) Establish written standards for the productivity of forensic evaluators and utilize these standards to internally review the performance of forensic evaluators.

### **Malicious intents**

(a) Types. A defendant may plead not guilty, not guilty by reason of insanity, or guilty.

(c) Pleading Insanity. Written notice of an intention to rely on the insanity defense, and/or a claim of present incompetency to stand trial, must be filed at the time of arraignment or within 10 days thereafter, or at such later time as the court may for good cause permit. All procedures concerning the defense of insanity or the competence of the defendant to stand trial are governed by RCW 10.77.

(d) **Voluntariness**. The court shall not accept a plea of guilty, without first determining that it is made voluntarily, competently and with an understanding of the nature of the charge and the consequences of the plea. The court shall not enter a judgment upon a plea of guilty unless it is satisfied that there is a factual basis for the plea.

(g) **Written Statement**. A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty 31 U.S. Code § 3730 - Civil actions for false claims.

(4) The report must be in a form that is accessible to the public and that breaks down performance by county.

**RCW 10.77.230 Appellate review. Either party may seek appellate review of the judgment of any hearing held disqualification pursuant to**



the provisions of this chapter.

(5) This section does not create any new entitlement or cause of action related to the timeliness of competency evaluations or admission for inpatient restoration services related to competency to proceed or stand trial, nor can it form the basis for contempt sanctions under chapter 7.21 RCW or a motion to dismiss charges.

RCW 7.21.010 Definitions.

(2) "Punitive sanction" means a sanction imposed to punish a past contempt of court for the purpose of upholding the authority of the court.

(3) "Remedial sanction" means a sanction imposed for the purpose of coercing performance when the contempt consists of the omission or refusal to perform an act that is yet in the person's power to perform.

RCW 49.60.250 Hearing of complaint by administrative law judge—Limitation of relief—Penalties—Order—Arbitration.

RCW 49.60.220 Unfair practice to aid violation.

RCW 34.05.570 (1) (d) The court shall grant relief··has been substantially prejudiced.

(2) (b) (ii) (C) In a proceeding involving review of a rule, the court shall declare the rule invalid only if it finds that: The rule violates constitutional provisions; the rule exceeds the statutory authority of the agency; the rule was adopted without compliance with statutory rule-making procedures or the rule is arbitrary and capricious.

(3) (a) (c) (d) (e) (f) (g) (h) (i)

## **Damages**

There are sufficient paths for the court to lawfully enter the termination of the unnecessary wasteful evaluation, as the order maker it's easy for them to create excuses to incriminate anyone so that they kept dismissing and ordering. When they are out to condemn, it is too convenient for

them to trump up charges. As fact, misconducts are inevitable from a probabilistic point of view why should they desire to repeat? The more they chose to against the facts and law the more of unlawful actions they need to practice; the further they walk on the false path, the harder to return. As a Municipal Court, they should know better about criminal, but when it comes to themselves, it seems like the worst model. **Seattle Municipal Court has no legal authorities to dismiss motions. The comments of "Will address on the next hearing" are Materially false statements/replies.**

I had been requesting and asking the court to see facts and to be lawful, but the court had been avoiding those. Who/what is Municipal and who/what is criminal? Is it because my justice is a "crap", as long as I'm not dead I'm not damaged to crazy so that no rights, no just, nothing lawful? There are too many times I've claimed otherwise shameless illegal and inhuman, as how they are, the court always know how to be. **Then why not rename as Seattle Criminal Court?**

## **Repeat on misconducts**

As the fact that the comparison shows considerable disagreement between rules/laws and practice, there are good reasons to consider unlawful procedures as invalid. Which doesn't make legal effect for the court's orders or decisions. Illegal/unlawful procedure/order previously made is not deemed to eligible for law enforcement but shall be considered as intentional misconducts, mistreats, discriminations, contempt of court rules, laws, canons, roles, duties.

**Laws and rules are not shields or weapons, but equal to everyone.**

## **Related Records**

**Superior Court:** 20-2-18129-3, 20-2-16996-0, 21-2-00897-2.

**Seattle Municipal Court:** 658510, 658597, 658179.

**Police Reports:** 2021-082422, 2021-183800, 2020-348008, 2020-324971, 2020-323263.

2020-348546, 2021-023990, 2021-016844, 2021-013432.

1. Has respondent established any basis/intent for their criminal chargers?
2. Has respondent replied to the statement of "invalidity of order" because of trespass and unlawful service?
3. Has respondent answered why the evidence was on hold not to the records?
4. Has respondent answered why there is no penalty of perjuries, false reporting, and collusions to the dismissed charge 658510?
5. Has respondent replied to the statement of Abusive Litigations verified with historical DV records from FL and PA, supportive declaration, conversations with his prior and husband, my conversations with his priors

and husband, history of him abusing me?

6. Has respondent answered why there is no penalties for Miguel Rivera's trespass, thefts, identity thefts, detains, bigamies, frauds, marriage fraud, DVPO violations, harassments, defamations, perjuries, forgeries, assaults, intent to transfer STD, domestic violence?

7. Has the respondent answered why/who authorized Miguel Rivera with immunity?

8. Has respondent provided lawful procedure to dismiss the motions?

9. Has respondent responded to prosecutors' misconducts? (Exhibited in the context part) Page 1 of 34

10. Has respondent responded to judges' misconducts? (Exhibited in the context)

11. Why the brief I filed to the appeal of the trial court in person was not on the docket list? Did the appeal of the trial court receive and review?

12. Why didn't the appeal of the trial court reply to my declaration of seeking informs and instructions, but skipped to dismiss?

13. Why the appeal of the trial court did not provide any responses, or anything related until the next day after I filed motions of prejudice, to dismiss and to seek lawful procedures the appeal of the trial court dismissed the appeal? Timing? Then the city replied to motion to discretionary review on the next day.

## Who subjected to the same or similar treatment: Court Rules and other supports

Rule 37. Failure to Make Disclosures or to Cooperate in Discovery, Sanctions

At the preliminary hearing, the judge determines whether enough evidence exists for the prosecution to meet its burden of persuasion. The burden of persuasion refers to whether the prosecution even has enough evidence to make the defendant stand trial. The defense has the right to cross examine the government witnesses during this proceeding.

Pre-Trial Hearing

A pre-trial hearing is the next step in the process. The prosecution and the defense team use the pre-trial to file motions before a judge. These motions usually concern whether the court should suppress certain evidence, whether certain individuals can testify, or whether the judge should dismiss all charges for lack of evidence.

"There is lacking that equality demanded by the Fourteenth Amendment where the rich man, who appeals as of right, enjoys the benefit of counsel's examination into the record, research of the law, and marshalling of arguments on his behalf, while the indigent, already burdened by a preliminary determination that his case is without merit, is forced to shift for himself." *Id.*, at 357-358.

Even the plurality in *Griffin v. Illinois*, 351 U.S. 12, 18 -19 (1956), simply held that the Due Process and Equal Protection Clauses protect indigents from "invidious discriminations" on appeal and that such persons "must be afforded as adequate appellate review as defendants who have money enough to buy transcripts." Moreover, Justice Frankfurter, whose concurrence was necessary to the decision, viewed the decision as a matter of equal protection. *Id.*, at 21-22.

In *DeShaney v. Winnebago County Social Services Department* that as a general matter, a State's failure to protect an individual against private violence simply does not constitute a violation of the Due Process Clause. Before there can be state involvement creating an affirmative duty to protect an individual, the Court explained, the state must have taken a person into its custody and held him there against his will so as to restrict his freedom to act on his own behalf. Thus, although the Court had recognized due process violations for failure to provide adequate medical care to incarcerated prisoners, and for failure to ensure reasonable safety for involuntarily committed mental patients, no such affirmative duty arose from the failure of social services agents to protect an abused child from further abuse from his parent. Even though possible abuse had been reported to the agency and confirmed and monitored by the agency, and the agency had done nothing to protect the child, the Court emphasized that the actual injury was inflicted by the parent and did not occur while the child was in the State's custody. (489 U.S. at 201) Although the state may have incurred liability in tort through the negligence of its social workers, [not] every tort committed by a state actor is a constitutional violation. (489 U.S. at 202) It is well to remember . . . that the harm was inflicted not by the State of Wisconsin, but by the child's father. (489 U.S. at 201)

Judicial inquiry into the existence of state action may lead to different results depending on what remedy is sought to be enforced. While cases may be brought against a private actor to compel him to halt his discriminatory

action, one could just as readily bring suit against the government to compel it to cease aiding the private actor in his discriminatory conduct. Enforcing the latter remedy might well avoid constitutional issues that an order directed to the private party would raise. In either case, however, it must be determined whether the governmental involvement is sufficient to give rise to a constitutional remedy. In a suit against the private party, it must be determined whether he is so involved with the government as to be subject to constitutional restraints, while in a suit against the government agency it must be determined whether the government's action impermissibly fostered the private conduct.

Receivership, 208 U.S. 90 (1908), and consideration by the Court of cases in which the Solicitor General confesses error below. Cf. *Young v. United States*, 315 U.S. 257, 258–259 (1942); *Casey v. United States*, 343 U.S. 808 (1952); *Rosengart v. Laird*, 404 U.S. 908 (1972) (Justice White dissenting). See also *Sibron v. New York*, 392 U.S. 40, 58–59 (1968).

"Material element of an offense" means an element that does not relate exclusively to the statute of limitations, jurisdiction or to any other matter similarly unconnected with: (a) the harm or evil, incident to conduct, sought to be prevented by the law defining the offense, or (b) the existence of a justification or excuse for such conduct.

For a substantial portion of this nation's history, the doctrine of sovereign immunity barred citizens injured by the torts of a federal officer or employee from initiating or prosecuting a lawsuit against the United States. Figley, *Ethical Intersections*, supra note 5, at 348–49 (explaining that, "for a century and a half, . . . the United States' sovereign immunity . . . protected it from suit" against "citizens injured by the torts of federal employees"). Until 1946, "the only practical recourse for citizens injured by the torts of federal employees was to ask Congress to enact private legislation affording them relief" (Id. at 348. See also Axelrad, supra note 2, at 1332 ("Until the [FTCA] was enacted in 1946, no general remedy existed for torts committed by federal agency employees."). through "private bills."

The FTCA authorizes plaintiffs to bring civil lawsuits

1. against the United States.
2. for money damages.
3. for injury to or loss of property, or personal injury or death.
4. caused by a federal employee's (See infra "Employees and Independent Contractors.") negligent or wrongful act or omission.
5. while acting within the scope of his office or employment.
6. under circumstances where the United States, if a private person, would be liable to the plaintiff in accordance with the law of the place where the act or omission occurred. (Meyer, 510 U.S. at 477 (quoting 28 U.S.C. § 1346(b)).

Thus, not only does the FTCA "free Congress from the burden of passing on petitions for private relief" (Pfander & Aggarwal, supra note 33, at 424. See also, e.g., *Gray v. Bell*, 712 F.2d 490, 506 (D.C. Cir. 1983) (noting that Congress enacted the FTCA "in the interest of providing a more efficient means of compensation" than "securing recompense by private bill").) by "transfer[ing] responsibility for deciding disputed tort claims from Congress to the courts," (49 Figley, *Ethical Intersections*, supra note 5, at 347. See also Hershkoff, supra note 40, at 196 (explaining that the FTCA "by design shifted responsibility for disputes about government negligence from Congress to the Article III courts").) it also creates a mechanism to compensate victims of governmental wrongdoing.

In addition to this compensatory purpose, the FTCA also aims to "deter tortious conduct by federal personnel" by rendering the United States liable for the torts of its agents, thereby incentivizing the government to carefully supervise its employees. (*Loamiest v. United States*, 828 F.3d 935, 941 (D.C. Cir. 2016).)

The FTCA does not itself create a new federal cause of action against the United States; rather, the FTCA waives the United States' sovereign immunity from certain types of claims that exist under state tort law. (E.g., *Pornomo v. United States*, 814 F.3d 681, 687 (4th Cir. 2016) ("The FTCA does not create a new cause of action; rather, it permits the United States to be held liable in tort by providing a limited waiver of sovereign immunity."); *Raplee v. United States*, 842 F.3d 328, 331 (4th Cir. 2016) (explaining that "the FTCA merely waives sovereign immunity to make the United States amenable to a state tort suit"); *Hornbeck Offshore Transp., LLC v. United States*, 569 F.3d 506, 508 (D.C. Cir. 2009) ("This statutory text does not create a cause of action against the United States; it allows the United States to be liable if a private party would be liable under similar circumstances in the relevant jurisdiction.")) Thus, in most respects, "the substantive law of the state where the tort occurred determines the liability of the United States" in an FTCA case. (53 *Raplee*, 842 F.3d at 331. See also, e.g., 28 U.S.C. § 1346(b)(1) (providing that the United States may be liable to the plaintiff in tort under the FTCA "if a private person[] would be liable to the claimant in accordance with the law of the place where the act or omission occurred"); *Garling v. EPA*, 849 F.3d 1289, 1294 (10th Cir. 2017) ("State substantive law applies to suits brought against the United States under the FTCA." (quoting *Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1117 (10th Cir. 2004))). Because "state law operates in the FTCA not of its own force, but by congressional incorporation[,] Several commentators have cited the FTCA as a relatively unusual example of state law that operates in the federal system by congressional choice." Rosky, *supra* note 44, at 957.) In this way, the FTCA largely "renders the Government liable in tort as a private individual would be under like circumstances." (*Richards v. United States*, 369 U.S. 1, 6 (1962). See also, e.g., 28 U.S.C. § 2674 ("The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances.").

"[A] contractor can be said to be an employee or agent of the United States within the intendment of the [FTCA] only where the Government has the power under the contract to supervise a contractor's day-to-day operations and to control the detailed physical performance of the contractor."

Section 2680 of the FTCA establishes the following exceptions preventing private litigants from pursuing the following categories of claims against the United States:

"Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation . . . or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty"; See 28 U.S.C. § 2680(a). See also *infra* "The Discretionary Function Exception."

"Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter"; 28 U.S.C. § 2680(b). See also, e.g., *Dolan v. USPS*, 546 U.S. 481, 483–92 (2006) (analyzing the scope of Section 2680(b)).

- certain claims arising from the actions of law enforcement officers administering customs and excise laws; See 28 U.S.C. § 2680(c) (providing that, with four specified exceptions, the FTCA does not authorize claims "arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods, merchandise, or other property by any officer of customs or excise or any other law enforcement officer"). See also, e.g., *Ali v. Fed. Bureau of Prisons*, 552 U.S. 214, 215–28 (2008) (interpreting Section 2680(c)); *DaVinci Aircraft, Inc. v. United States*, 926 F.3d 1117, 1123–26 (9th Cir.), cert. denied, 2019 WL 5301048 (Oct. 21, 2019) (applying Section See 28 U.S.C. § 2680(a). See also *infra* "The Discretionary Function Exception." "Admiralty" is defined as "the rules governing contract, tort, and workers'-compensation claims arising out of commerce on or over navigable water." Admiralty, BLACK'S LAW DICTIONARY (10th ed. 2014).

- admiralty claims against the United States for which federal law provides an alternative remedy See 28 U.S.C. § 2680(d) (providing that the FTCA does not apply to "Any claim for which a remedy is provided by chapter 309 or 311 of title 46 relating to claims or suits in admiralty against the United States").

- claims "arising out of an act or omission of any employee of the Government in administering" 28 U.S.C. § 2680(e). Among other things, the Trading with the Enemy Act "affords the President broad powers to regulate, license, and prohibit trade with foreign nations." *Odebrecht Constr., Inc. v. Sec'y, Fla. Dep't of Transp.*, 715 F.3d 1268, 1275 (11th Cir. 2013). See generally 50 U.S.C. §§ 4301–41.

- certain provisions of the Trading with the Enemy Act of 1917; 28 U.S.C. § 2680(f).

- "Any claim for damages caused by the imposition or establishment of a quarantine by the United States" See *id.* § 2680(h). See also *infra* "The Intentional Tort Exception."

- certain claims predicated upon intentional torts committed by federal employees; 28 U.S.C. § 2680(i).

- "Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system" *Id.* § 2680(j). See also *infra* "The Combatant Activities Exception."

- “Any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war”; 28 U.S.C. § 2680(k). See also *infra* “The Foreign Country Exception.”
- “Any claim arising in a foreign country”; 28 U.S.C. § 2680(l). See also *Thacker v. Tenn. Valley Auth.*, 139 S. Ct. 1435, 1441 (2019) (“Congress made a considered decision not to apply the FTCA to the [Tennessee Valley Authority].”) (emphasis omitted).
- “Any claim arising from the activities of the Tennessee Valley Authority”; 28 U.S.C. § 2680(m). The Panama Canal Treaty of 1977 replaced the Panama Canal Company with the Panama Canal Commission. E.g., *Black v. Office of Pers. Mgmt.*, 641 F. App’x 1007, 1008 (Fed. Cir. 2016).
- “Any claim arising from the activities of the Panama Canal Company”; or 28 U.S.C. § 2680(n).
- “Any claim arising from the activities of a Federal land bank, a Federal intermediate credit bank, or a bank for cooperatives.” 156 See, e.g., *DaVinci Aircraft, Inc. v. United States*, 926 F.3d 1117, 1123 (9th Cir.), cert. denied, 2019 WL 5301048 (Oct. 21, 2019).

RCW 4.24.470

Liability of officials and members of governing body of public agency—Definitions.

(1) An appointed or elected official or member of the governing body of a public agency is immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within his or her official capacity, but liability shall remain on the public agency for the tortious conduct of its officials or members of the governing body.

RCW 4.96.010

Tortious conduct of local governmental entities—Liability for damages.

(1) All local governmental entities, whether acting in a governmental or proprietary capacity, shall be liable for damages arising out of their tortious conduct, or the tortious conduct of their past or present officers, employees, or volunteers while performing or in good faith purporting to perform their official duties, to the same extent as if they were a private person or corporation. Filing a claim for damages within the time allowed by law shall be a condition precedent to the commencement of any action claiming damages. The laws specifying the content for such claims shall be liberally construed so that substantial compliance therewith will be deemed satisfactory.

## Additional authorities – SMC Codes

14.04.185 - Enforcement by private persons.

A. Any person who claims to have been injured by an unfair employment practice may commence a civil action in Superior Court or any other court of competent jurisdiction, not later than three (3) years after the occurrence of the alleged unfair employment practice or ninety (90) days after a determination of reasonable cause by the Director, whichever occurs last, to obtain appropriate relief with respect to such unfair employment practice. In an action brought under this section, the court having jurisdiction may, upon written findings by the judge that the action was frivolous and advanced without reasonable cause, require the non-prevailing party to pay the prevailing party the reasonable expenses, including attorney’s fees, incurred in opposing such action pursuant to RCW 4.84.185.

C.1. Subject to the provisions of subsection C2, upon the filing of a civil action involving the same claim or arising from the same facts and circumstances, whether under this subchapter or similar law, a complaint of an unfair employment practice may be administratively closed by the Director.

2. In the chapter III - Administration and Enforcement 14.04.185 - Enforcement by private persons.

Subchapter I - General Provisions

14.04.010 - Short title modified

This Chapter 14.04 shall constitute the “Seattle Fair Employment Practices Ordinance” and may be cited as such. (Ord. 109116 , § 1, 1980.)

14.04.020 - Declaration of policy

A. It is declared to be the policy of the City, in the exercise of its police powers for the protection of the public health, safety, and general welfare, and for the maintenance of peace and good government, to assure equal opportunity to all persons, free from restrictions because of race, color, sex, marital status, sexual orientation, gender identity, genetic information, political ideology, age, creed, religion, ancestry, national origin, honorably discharged veteran or military status or the presence of any sensory, mental or physical disability. The role of the Office for Civil Rights is to enforce the provisions of this chapter in furtherance of this policy.



D. Nothing in this chapter shall be deemed to deny any person the right to institute any action or to pursue any civil or criminal remedy for the violation of such person's civil rights.

E. To avoid duplication of efforts or otherwise conserve agency resources, the Director may suspend or close a case for any reason consistent with this chapter, including the reason that the case is being actively pursued in another forum.

F. Remedies under this chapter should include such relief authorized by law as may be appropriate and reasonable to make the aggrieved person whole and eliminate the unfair practice.

G. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City by its officers, employees or agents.

14.04.030 – Definitions When used in this Chapter 14.04, unless the context otherwise requires:

"Director" means the Director of the Office for Civil Rights.

"Disabled" means a person who has a disability.

"Disability" means the presence of a sensory, mental, or physical impairment that: is medically cognizable or diagnosable; exists as a record or history; or is perceived to exist, whether or not it exists in fact.

A. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated; whether or not it limits the ability to work generally or work at a particular job; or whether or not it limits any other activity within the scope of this Chapter 14.04.

B. For purposes of this definition, "impairment" includes, but is not limited to:

1.Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, Genito-urinary, hemic and lymphatic, skin, and endocrine; or

2.Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disability.

C. Only for the purposes of qualifying for reasonable accommodation in employment and domestic service, an impairment must be known or shown through an interactive process to exist in fact and:1.The impairment must have a substantially limiting effect upon the individual's ability to perform that individual's job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or2.The employee or domestic worker must have put the employer or hiring entity on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.

D. For purposes of subsection C, a limitation is not substantial if it has only a trivial effect.

"Discrimination," "discriminate," and/or "discriminatory act" means any act, by itself or as part of a practice, which is intended to or results in different treatment or differentiates between or among individuals or groups of individuals by reason of race, color, age, sex, marital status, sexual orientation, gender identity, genetic information, political ideology, creed, religion, ancestry, national origin, honorably discharged veteran or military status, or the presence of any disability "Discrimination," "discriminate," and/or "discriminatory act" includes harassment, such as racial and sexual harassment, as well as harassment based on other protected classes.

The term "reasonable accommodation" may include:

A. Making existing facilities used by employees or domestic workers readily accessible to and usable by individuals with disabilities; and

B. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

"Respondent" means any person who is alleged or found to have committed an unfair employment and domestic service practice prohibited by this Chapter 14.04.

"Sexual orientation" means actual or perceived male or female heterosexuality, bisexuality, or homosexuality and includes a person's attitudes, preferences, beliefs, and practices pertaining thereto.

Subchapter III - Administration and Enforcement

14.04.060 - Powers and duties of Department. Modified

A. The Office for Civil Rights shall receive, investigate, and pass upon charges alleging unfair practices as defined by this chapter, conciliate and settle the same by agreement, and monitor and enforce any agreements or orders resulting therefrom or from a subsequent hearing thereon under and pursuant to the terms of this chapter; and shall have such powers and duties in the performance of these functions as are defined in this chapter and otherwise necessary and proper in the performance of the same and provided for by law. The Department shall further assist the Commission and other City agencies and departments upon request in effectuating and promoting the purposes of this chapter.

B. The Director is authorized and directed to promulgate rules consistent with this chapter and the Administrative Code. [2]

14.04.070 - Powers and duties of Commission.

The Seattle Human Rights Commission shall study, advise, and make recommendations for legislation on policies, procedures, and practices which would further the purposes of this chapter. The Commission shall hear appeals from the Director's determinations of no reasonable cause and, in cases involving respondents who are City departments, hear appeals from determinations of reasonable cause and the orders relating to the remedy therefor. It shall, where appropriate and necessary, in its judgment, hear and determine complaints jointly with the Hearing Examiner as provided in Sections 14.04.170 and 14.04.180. The Commission shall have such powers and authority in carrying out these functions as are provided for by this chapter or otherwise established by law.

14.04.080 - Charge filing.

A. A charge alleging an unfair employment practice shall be in writing on a form or in a format determined by the Department and signed under oath or affirmation by or on behalf of a charging party before the Director, one of the Department's employees, or any other person authorized to administer oaths, and shall describe the unfair employment practice complained of and should include a statement of the dates, places and circumstances and the persons responsible for such acts and practices.

B. Whenever charges are made by or on behalf of a person claiming to be aggrieved, the person making the charge must provide the Director with the name, address and telephone number of the individual on whose behalf the charge is made. Thereafter, the Director shall verify the authorization of such charge by the person on whose behalf the charge is made and upon the request of such person may keep his or her identity confidential.

C. A charge shall not be rejected as insufficient because of failure to include all required information so long as it substantially satisfies the informational requirements necessary for processing.

D. A charge alleging an unfair employment practice or pattern of unfair practices may also be filed by the Director whenever the Director has reason to believe that any person has been engaged or is engaging in an unfair employment practice. (Ord. 118392 § 27, 1996; Ord. 109116 § 7(A), 1980.)

14.04.100 - Charge—Amendments.

The charging party or the Department may amend a charge to cure technical defects or omissions; or to clarify and amplify allegations made therein; or to add allegations related to or arising out of the subject matter set forth, or attempted to be set forth, in the original charge. For jurisdictional purposes, such amendments shall relate back to the date the original charge was first filed. The charging party may also amend a charge to include allegations of additional unrelated discriminatory acts and/or retaliation which arose after filing of the original charge. The amendment must be filed within one hundred eighty (180) days after the occurrence of the additional discriminatory act and/or retaliation and prior to the Department's issuance of findings of fact and a determination with respect to the original charge. Such amendments may be made at any time during the investigation of the original charge so long as the Department will have adequate time to investigate such additional allegations and the parties will have adequate time to present the Department with evidence concerning such allegations before the issuance of findings of fact and a determination.

(Ord. 118392 § 29, 1996; Ord. 112903 § 4, 1986; Ord. 109116 § 7(C), 1980.)

14.04.110 - Charge—Notice and investigation.

A. The Director shall cause to be served or mailed by certified mail, return receipt requested, a copy of the charge on the respondent within twenty (20) days after the filing of the charge and shall promptly make an investigation thereof.

B. The investigation shall be directed to ascertain the facts concerning the unfair practice alleged in the charge and shall be conducted in an objective and impartial manner.

C. During the investigation the Director shall consider any statement of position or evidence with respect to the allegations of the charge which the charging party or the respondent wishes to submit. The Director shall have authority to sign and issue subpoenas requiring the attendance and testimony of witnesses, the

production of evidence including but not limited to books, records, correspondence or documents in the possession or under the control of the person subpoenaed, and access to evidence for the purpose of examination and copying and conduct discovery procedures which may include the taking of interrogatories and oral depositions.

D. The Director may require a fact-finding conference or participation in another process with the respondent and any of respondent's agents and witnesses and charging party during the investigation in order to define the issues, determine which elements are undisputed, resolve those issues which can be resolved, and afford an opportunity to discuss or negotiate settlement. Parties may have their legal counsel present if desired.

(Ord. 118392 § 30, 1996; Ord. 109116 § 8, 1980.)

14.04.120 - Findings of fact and determination of reasonable cause or no reasonable cause.

A. The results of the investigation shall be reduced to written findings of fact and a determination shall be made by the Director that there is or is not reasonable cause for believing that an unfair practice has been or is being committed, which determination shall also be in writing and issued with the written findings of fact. Where a City department is a respondent, the Director shall issue such findings and determination only after having submitted proposed findings and determinations to the respondent and charging party for review and comment. With respect to the findings and determination, "issued" shall be defined as signed and dated by the Director.

B. The findings of fact and determination shall be furnished promptly to the respondent and charging party.

C. Once issued to the parties, the Director's findings of fact, determination and order may not be amended or withdrawn except upon the agreement of the parties or in response to an order by the Human Rights Commission after an appeal taken pursuant to Section 14.04.130 or 14.04.160; provided, that the Director may correct clerical mistakes or errors arising from oversight or omission upon a motion from a party or upon the Director's own motion.

(Ord. 118392 § 31, 1996; Ord. 112903 § 5, 1986; Ord. 109116 § 9, 1980.)

14.04.130 - Determination of no reasonable cause—Appeal from and dismissal.

If a determination is made that there is no reasonable cause for believing an unfair employment practice under this chapter has been committed, the charging party shall have the right to appeal such determination to the Commission within 30 days of the date the determination is signed by the Director by filing a written statement of appeal with the Commission. The Commission shall promptly deliver a copy of the statement to the Department and respondent and shall promptly consider and act upon such appeal by either affirming the Director's determination or, if the Commission believes the Director should investigate further, remanding it to the Director with a request for specific further investigation. In the event no appeal is taken, or such appeal results in affirmance or if the Commission has not decided the appeal within 90 days from the date the appeal statement is filed, the determination of the Director shall be final, and the charge deemed dismissed and the same shall be entered on the records of the Department.

(Ord. 123864, § 1, 2012; Ord. 118392, § 32, 1996; Ord. 109116, § 10, 1980.)

14.04.140 - Determination of reasonable cause—Conciliation and settlement of cases involving all respondents except City departments.

A. In all cases except a case in which a City department is the respondent, if a determination is made that reasonable cause exists to believe that an unfair practice has occurred, the Director shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion. Conditions of settlement may include (but are not limited to) the elimination of the unfair employment practice, hiring, reinstatement or upgrading with or without back pay, lost benefits, attorney's fees, admittance or restoration to membership in a labor organization, admittance to participation in a guidance, apprentice training or retraining program or such other action which will effectuate the purposes of this chapter, including action which could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed Ten Thousand Dollars (\$10,000.00). Any settlement agreement shall be reduced to writing and signed by the Director and the respondent. An order shall then be entered by the Director setting forth the terms of the agreement. Copies of such order shall be delivered to all affected parties.

B. In case of failure to reach an agreement and of conciliation and upon a written finding to that effect furnished to the charging party and respondent, except a case in which a City department is a respondent, the Director shall promptly cause to be delivered the entire investigatory file, including the charge and any and all findings made, to the City Attorney for further proceedings and hearing under this chapter pursuant to Section 14.04.170.

14.04.150 - Determinations of reasonable cause—Conciliation, settlement and conclusion of cases involving City departments as respondents.

In all cases in which a City department is a respondent:

A. A determination of reasonable cause by the Director shall be deemed a finding that an unfair employment practice has been committed by respondent and is dispositive of this issue for all future proceedings under this chapter, unless appealed, reversed and remanded as provided in this chapter.

B. Within sixty (60) days of a determination of reasonable cause, the Director shall confer with the parties and determine an appropriate remedy, which remedy may include (but is not limited to) hiring, reinstatement or upgrading with or without back pay, lost benefits, attorney's fees, admittance to participation in a guidance, apprentice training or retraining program, or such other action as will effectuate the purposes of this chapter, including action which could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed Ten Thousand Dollars (\$10,000.00). Such remedy shall be reduced to writing in an order of the Director.

C. The charging party must sign a release in the form and manner requested by the Department, releasing the City from further liability for acts giving rise to the charge in order to obtain the benefits of the remedy provided under this section and before payment can be made. Without such release, the Director's order with respect to the charging party's individual relief shall have no force and effect. In such event the Director shall notify the parties involved in writing.

D. In all cases where the remedy determined by the Director before or after any appeal includes a monetary payment which exceeds the sum of Five Thousand Dollars (\$5,000.00), the charge or claim, the Director's determination, order, the charging party's signed release and such further documentation as may be required shall be presented to the City Council for passage by separate ordinance. If the City Council fails or refuses to appropriate the amount ordered by the Director within ninety (90) days, the Director shall certify the case to the Hearing Examiner for a hearing to determine the appropriate monetary relief in the case which determination shall be final and binding upon the City.

E. Where the Director's order includes a monetary payment of Five Thousand Dollars (\$5,000.00) or less, such payment shall be made under the authority and in the form and manner otherwise provided for by law for payment of such claims.

(Ord. 117615 § 2, 1995; Ord. 112903 § 7, 1986; Ord. 109116 § 12, 1980.)

14.04.160 - Appeals to the Commission from determinations of reasonable cause and orders of excess involving City departments as respondents.

In all cases in which a City department is a respondent:

A. The charging party or respondent may appeal the Director's order and determination of reasonable cause to the Commission within thirty (30) days of the Director's order by filing a written statement of appeal with the Commission. Such statement shall state specifically the grounds on which it is based and the reasons the determination or order or both is in error.

B. The Commission shall promptly mail a copy of the statement to the Department and to the other party and shall promptly consider and act upon such appeal by either affirming the Director's determination, order or remanding it to the Director with appropriate instructions.

C. The filing of an appeal shall stay the enforcement of any remedy provided for in the Director's determination or order during the pendency of the appeal.

D. In such appeal, the Commission shall consider only the record submitted to it by the Department and written statements of positions by the parties involved and, in its discretion, oral presentation. The Commission shall reverse the Director's determination or order only upon a finding that it is clearly erroneous. (Ord. 117615 § 3, 1995; Ord. 109116 § 13, 1980.)

14.04.190 - Construction with other laws.

Nothing in this chapter shall be construed to invalidate or restrict or deny any right or remedy any person may have under state or federal law or preclude any cause of action in court otherwise provided for the violation of any person's civil rights; nor shall this chapter be construed to preclude any person aggrieved from seeking judicial review of any final administrative decision or order made under this chapter affecting such person.

14.04.200 - Cooperative agreements.

Nothing in this chapter shall be interpreted to prevent the receiving, referring, or other processing of complaints, in accordance with a cooperative agreement with the Washington State Human Rights Commission, the Equal Employment Opportunity Commission or with other agencies concerned with the enforcement of laws against discrimination.

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# Category:Psychological abuse

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*The main article for this category is **Psychological abuse**.*

*See also: Category:Domestic violence*

## Subcategories

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This category has the following 5 subcategories, out of 5 total.

### B

- ▶ Blacklisting (14 C, 32 P)
- ▶ Bullying (16 C, 118 P)

### C

- ▶ Coercion (2 C, 11 P)

### M

- ▶ Psychological manipulation (4 C, 64 P)

### P

- ▶ Psychological torture techniques (1 C, 16 P)

## Pages in category "Psychological abuse"

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The following 55 pages are in this category, out of 55 total. This list may not reflect recent changes ([learn more](#)).

- Psychological abuse

**A**

- Abusive power and control
- Abusive supervision
- Murder of Anthony Avalos

**B**

- Bashing (pejorative)
- Betrayal
- Brainwashing
- Bullying

**C**

- Character assassination
- Coercion
- Control by deprivation
- Control freak
- Covert incest

**D**

- DARVO
- Destabilisation
- Duluth model

**E**

- Embarrassment
- Emotional blackmail

- Emotional dysregulation

**F**

- Murder of Gabriel Fernandez

**G**

- Gaslighting
- Ghosting (relationships)
- Guilt trip

**H**

- Humiliation

**I**

- Institutional betrayal
- Intimidation
- Isolation to facilitate abuse

**J**

- Just-world hypothesis

**K**

- Masaki Kito

**L**

- Murder of Sylvia Likens
- Lisette Ochoa domestic violence case

**M**

- Madonna–whore complex
- Mind games
- Moving the goalposts
- Music in psychological operations

**O**

- Obfuscation

**P**

- Parentification
- Passive-aggressive behavior
- Psychological subversion
- Psychological torture
- Psychology of torture

**R**

- Revenge porn

**S**

- Setting up to fail
- Silent treatment
- Social undermining
- Splitting (psychology)
- Structural abuse
- Suggestibility

**T**

- Threat
- Triangulation (psychology)

**V**

- Verbal abuse
- Victim blaming
- Victim playing

**W**

- Richard Warshak

**Y**

- Suicide of Kelly Yeomans

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# Abusive power and control

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**Abusive power and control** (also **controlling behavior** and **coercive control**) is commonly used by an abusive person to gain and maintain power and control over another person in order to subject that victim to psychological, physical, sexual, or financial abuse. The motivations of the abuser are varied and can include devaluation, envy, personal gain, personal gratification, psychological projection, or just for the sake of the enjoyment of exercising power and control.<sup>[1]</sup>

Controlling abusers use tactics to exert power and control over their victims. The tactics themselves are psychologically and sometimes physically abusive. Control may be exerted through economic abuse, limiting the victim, as they may not have the means to resist or leave the abuse.<sup>[2]</sup> The goal of the abuser is to control, intimidate, and influence the victim to feel they do not have an equal voice in the relationship.<sup>[3]</sup>

Manipulators and abusers often control their victims with a range of tactics, including, but not limited to, positive reinforcement (such as praise, superficial charm, flattery, ingratiation, love bombing, smiling, gifts, attention), negative reinforcement (taking away aversive tasks or items), intermittent or partial reinforcement, psychological punishment (such as nagging, silent treatment, swearing, threats, intimidation, emotional blackmail, guilt trips, inattention) and traumatic tactics (such as verbal abuse or explosive anger).<sup>[4]</sup>

The vulnerabilities of the victim are exploited with those who are particularly vulnerable being most often selected as targets.<sup>[4][5][6]</sup> Traumatic bonding (also popularly known as Stockholm syndrome) can occur between the abuser and victim as the result of ongoing cycles of abuse in which the intermittent reinforcement of reward and punishment creates powerful emotional bonds that are resistant to change and a climate of fear.<sup>[7]</sup> An attempt may be made to normalise, legitimise, rationalise, deny, or minimise the abusive behaviour, or blame the victim for it.<sup>[8][9][10]</sup>

Isolation, gaslighting, mind games, lying, disinformation, propaganda, destabilisation, brainwashing, and divide and rule are other strategies that are often used. The victim may be plied with alcohol or drugs or deprived of sleep to help disorientate them.<sup>[11][12]</sup> Based on statistical evidence, certain personality disorders correlate with abusive tendencies of individuals with those specific personality disorders when also compiled with abusive childhoods themselves.<sup>[13]</sup>

The seriousness of coercive control in modern Western societies has been increasingly realised with changes to the law in several countries so it is a definable criminal offence. In conjunction with this there have been increased attempts by the legal establishment to understand the characteristics and effects of coercive control in legal terminology. For example, on January 1, 2019, Ireland enacted the Domestic Violence Act 2018, which allowed for the practice of coercive control to be identifiable based upon its effects on the victim. And on this basis defining it as: 'any evidence of deterioration in the physical, psychological, or emotional welfare of the applicant or a dependent person which is caused directly by fear of the behaviour of the respondent'.<sup>[14]</sup> On a similar basis of attempting to understand and stop the widespread practice of coercive control, in 2019, the UK government made teaching about what coercive control was a mandatory part of the education syllabus on relationships.<sup>[15]</sup> While coercive control is often considered in the context of an existing intimate relationship, when it is used to elicit a sexual encounter it is legally considered as being a constituent part of sexual abuse or rape. When it is used to begin and maintain a longer term intimate relationship it is considered to be a constituent element of sexual slavery.

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## **Institutional abuse**

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Institutional abuse which is also known as organizational abuse,<sup>[16]</sup> is the maltreatment of a person (often children or older adults) from a system of power.<sup>[17]</sup> This can range from acts similar to home-based child abuse, such as neglect, physical and sexual abuse, and starvation, to the effects of assistance programs working below acceptable service standards, or relying on harsh or unfair ways to modify behavior.<sup>[17]</sup> Institutional

abuse can take many different forms, some of them very small. An example of a small instance is insisting that the person in their care eat their meal or have their snack at the same time everyday, even when they do not want to.

### **Forms of Institutional abuse<sup>[16]</sup>**

- improper use of power
- improper use of control
- improper use of restraints
- Taking away choices
- Lack of personal possessions (clothing, items, trinkets, etc.)
- No flexibility with schedules, particularly at bed time
- financial abuse
- physical abuse
- verbal abuse
- psychological abuse

### **Signs of Institutional abuse<sup>[16]</sup>**

- an unhygienic environment
- an unsafe environment
- rigid schedule
- No privacy, respect, or dignity as a person
- isolating from family and community
- Lack of choices with food, activities, etc.
- absence of respect for religion, cultural background, or beliefs
- treating adults as children, particularly in small insignificant decisions

## **Law**

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In England and Wales, Section 76 of the Serious Crime Act 2015 created a criminal offence for controlling or coercive behavior in an intimate or family relationship.<sup>[18][19]</sup> For the purposes of this offence, behaviour must be engaged in "repeatedly" or "continuously". Another, separate, element of the offence is that it must have a "serious effect" on someone and one way of proving this is that it causes someone to fear, on at least two occasions, that violence will be used against them. There is no specific requirement in the Act that the activity should be of the same nature. The prosecution should be able to show that there was intent to control or coerce someone.<sup>[20]</sup> For relevant behaviour, it has been criminalised in section 77 of the Serious Crime Act 2015.<sup>[21]</sup> In 2018, Jordan Worth became the first woman to be convicted under this new law.

In the United States, to assist in preventing and stopping domestic violence with children, there have been laws put into place to mandate report in specific professions, such as teacher, doctor, or care provider, any suspected abuse happening in the home.<sup>[22]</sup>

## **Caring professions**

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According to anti-bullying author and activist Tim Field, bullies are attracted to the caring professions, such as medicine, by the opportunities to exercise power over vulnerable clients, and over vulnerable employees and students.<sup>[23]</sup>



# Intimate partner abuse

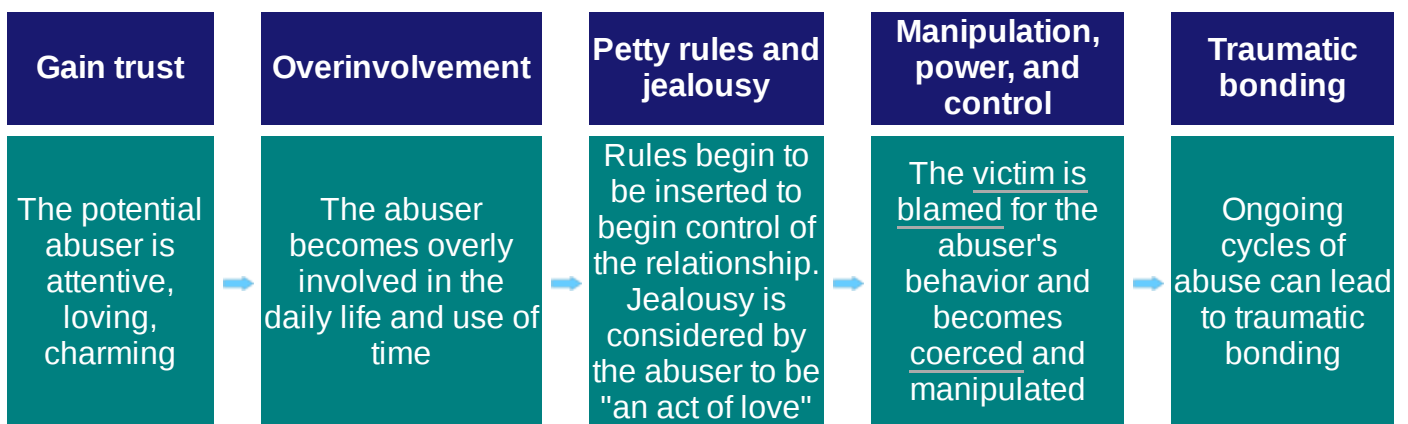
## Background

The power and control "wheel" was developed in 1982 by the Domestic Abuse Program in Minneapolis to explain the nature of abuse, to delineate the forms of abuse used to control another person, and to educate people with the goal of stopping violence and abuse. The model is used in many batterer intervention programs and is known as the Duluth model.<sup>[24]</sup> Power and control is generally present with violent physical and sexual abuse.<sup>[25]</sup>

## Control development

Often the abusers are initially attentive, charming, and loving, gaining the trust of the individual that will ultimately become the victim, also known as the survivor. When there is a connection and a degree of trust, the abusers become unusually involved in their partner's feelings, thoughts, and actions.<sup>[7]</sup> Next, they set petty rules and exhibit "pathological jealousy". A conditioning process begins with alternation of loving followed by abusive behavior. According to *Counselling Survivors of Domestic Abuse*, "These serve to confuse the survivor leading to potent conditioning processes that impact on the survivor's self-structure and cognitive schemas." The abuser projects responsibility for the abuse onto the victim, or survivor, and the denigration and negative projections become incorporated into the survivor's self-image.<sup>[7]</sup> Control is the defining aspect of an abusive relationship. Catherine Hodes argues that while conflict is often found in these relationships, it is not the defining factor of abuse. Instead, an emphasis of power dynamics in domestic relationships is suggested to be the principle indicator. <sup>[26]</sup>

Traumatic bonding occurs as the result of ongoing cycles of abuse in which the intermittent reinforcement of reward and punishment creates powerful emotional bonds that are resistant to change.<sup>[7]</sup>



## Tactics

Controlling abusers use multiple tactics to exert power and control over their partners. According to Jill Cory and Karen McAndless-Davis, authors of *When Love Hurts: A Woman's Guide to Understanding Abuse in Relationships*: Each of the tactics within the power and control wheel are used to "maintain power and control in the relationship. No matter what tactics your partner uses, the effect is to control and intimidate you or to influence you to feel that you do not have an equal voice in the relationship."<sup>[3]</sup>

## Coercion and threats

A tool for exerting control and power is the use of threats and coercion. The victim may be subject to threats that they will be left, hurt, or reported to welfare. The abuser may threaten that they will commit suicide. They may also coerce them to perform illegal actions or to drop charges that they may have against their abuser.<sup>[29]</sup> Strangulation, a particularly pernicious abusive behavior in which the abuser literally has the victim's life in his hands, is an extreme form of abusive control. Sorenson and colleagues have called strangulation the domestic violence equivalent of waterboarding, which is widely considered to be a form of torture.<sup>[30]</sup>

At its most effective, the abuser creates intimidation and fear through unpredictable and inconsistent behavior.<sup>[7]</sup> Absolute control may be sought by any of four types of sadists: explosive, enforcing, tyrannical, or spineless sadists. The victims are at risk of anxiety, dissociation, depression, shame, low self-esteem, and suicidal ideation.<sup>[31]</sup>

## Intimidation

Abused individuals may be intimidated by the brandishing of weapons, destruction of their property or other things, or use of gestures or looks to create fear.<sup>[29]</sup> For example, threatening to use a gun or simply displaying the weapon is a form of intimidation and coercive control.<sup>[32]</sup>

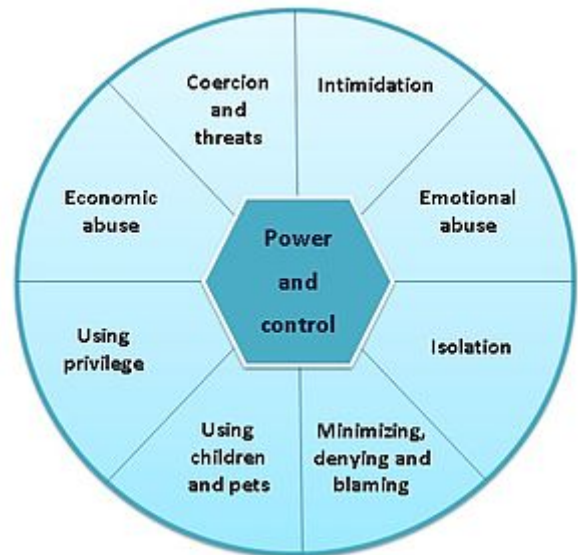
## Economic abuse

An effective means of ensuring control and power over another is to control their access to money. One method is to prevent the victim from getting or retaining a job. Controlling their access to money can also be done by withholding information and access to family income, taking their money, requiring the person to ask for money, giving them an allowance, or filing a power of attorney or conservatorship, particularly in the case of economic abuse of the elderly.<sup>[29]</sup>

## Emotional abuse

Emotional abuse includes name-calling, playing mind games, putting the victim down, blaming the victim, insulting, stalking, ignoring, discounting their feelings and experiences,<sup>[33]</sup> online harassment, isolating and controlling,<sup>[34]</sup> or humiliating the individual, private or personal. The goals are to make the person feel badly about themselves, feel guilt, or think that they are crazy.<sup>[29]</sup> Eventually the victim loses their sense of self worth, self confidence, the trust of their own thoughts and feelings, and who they are as a person.<sup>[33]</sup> Various studies done by psychologists, such as Angela Kent and Glenn Waller, as well as Hart and Bassard, have found more connections between emotional abuse in childhood being carried into adulthood in professional and personal lives. <sup>[35]</sup>

Tactics of violent and non-violent relationships<sup>[27][3]</sup>



Power and control in violent relationships<sup>[28]</sup>

## Isolation

Another element of psychological control is the isolation of the victim from the outside world.<sup>[25]</sup> Isolation includes controlling a person's social activity: who they see, who they talk to, where they go, and any other method to limit their access to others. It may also include limiting what material is read.<sup>[29]</sup> It can include insisting on knowing where they are and requiring permission for medical care. The abuser exhibits hypersensitive and reactive jealousy.<sup>[25]</sup>

## Minimizing, denying, and blaming

The abuser may deny the abuse occurred in order to attempt to place the responsibility for their behavior on the victim. Minimizing concerns or the degree of the abuse is another aspect of this control.<sup>[29]</sup> They will sometimes tell them that they are too sensitive, it's not that big of a deal, or anything along these lines to minimise the feelings and experiences of the victim. The abuser also tends to blame the victim for the problems in the relationship.

## Using children and pets

Children may be used to exert control by the abuser threatening to take the children or making them feel guilty about the children. It could include harassing them during visitation or using the children to relay messages. Another controlling tactic is abusing pets.<sup>[29]</sup>

## Using privilege

Using "privilege" means that the abuser defines the roles in the relationship, makes the important decisions, treats the individual like a servant, and acts like the "master of the castle".<sup>[29]</sup>

## Psychological warfare

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### Zersetzung

The practice of repression in Zersetzung comprised extensive and secret methods of control and psychological manipulation, including personal relationships of the target, for which the Stasi relied upon its network of informal collaborators,<sup>[36]</sup> (in German *inoffizielle Mitarbeiter* or *IM*), the state's power over institutions, and on operational psychology. Using targeted psychological attacks the Stasi tried to deprive a dissident of any chance of a "hostile action".

## Serial killers

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The main objective for one type of serial killer is to gain and exert power over their victim. Such killers are sometimes abused as children, leaving them with feelings of powerlessness and inadequacy as adults.<sup>[37]</sup> Many power or control-motivated killers sexually abuse their victims, but they differ from hedonistic killers in that rape is not motivated by lust (as it would be with a lust murder), but as simply another form of dominating the victim.<sup>[38]</sup> (See article causes of sexual violence for the differences regarding anger rape, power rape, and sadistic rape.) Ted Bundy is an example of a power/control-oriented serial killer.

## In the workplace

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A power and control model has been developed for the workplace, divided into the following categories:<sup>[39]</sup>

- overt actions
- covert actions
- emotional control
- isolation
- economic control
- tactics
- restriction
- management privilege

## Workplace psychopaths

The authors of the book *Snakes in Suits: When Psychopaths Go to Work* describe a five-phase model of how a typical workplace psychopath climbs to and maintains power:<sup>[40]</sup>

1. **Entry** – psychopath will use highly developed social skills and charm to obtain employment into an organisation. At this stage it will be difficult to spot anything that is indicative of psychopathic behaviour, and as a new employee one might perceive the psychopath to be helpful and even benevolent.
2. **Assessment** – psychopath will weigh one up according to one's usefulness, and one could be recognised as either a pawn (who has some informal influence and will be easily manipulated) or a patron (who has formal power and will be used by the psychopath for protection against attacks)
3. **Manipulation** – psychopath will create a scenario of "psychopathic fiction" where positive information about themselves and negative disinformation about others will be created, where one's role as a part of a network of pawns or patrons will be used and one will be groomed into accepting the psychopath's agenda.
4. **Confrontation** – the psychopath will use techniques of character assassination to maintain an agenda, and one will be either discarded as a pawn or used as a patron
5. **Ascension** – one's role as a patron in the psychopath's quest for power will be discarded, and the psychopath will usurp a position of power and prestige from anyone who once supported them.

## Personality psychology

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In the study of personality psychology, certain personality disorders display characteristics involving the need to gain compliance or control over others:<sup>[41]</sup>

- Those with antisocial personality disorder tend to display a superficial charm that helps to disarm others, giving a good likable first impression. If someone likes another person, they're much more apt to comply with them. Because they lack empathy, they see other people as instruments and pawns. The effects of this lack of empathy essentially gives them a grandiose sense of self-worth. Due to their callous and unemotional traits, they are well suited to con and/or manipulate others into complying with their wishes.
- Those with borderline personality disorder tend to display black-and-white thinking and are sensitive to others attitudes toward them. Being so averse to rejection may give them motivation to gain compliance in order to control perceptions of others.
- Those with histrionic personality disorder need to be the center of attention; and in turn, draw people in so they may use (and eventually dispose of) their relationship.

- Those with narcissistic personality disorder have an inflated self-importance, hypersensitivity to criticism and a sense of entitlement that compels them to persuade others to comply with their requests. To maintain their self-esteem, and protect their vulnerable true selves, narcissists need to control the behavior of others – particularly that of their children seen as extensions of themselves.<sup>[42]</sup>
- Those with sadistic personality disorder derive pleasure from the distress caused by their aggressive, demeaning, and cruel behavior toward others. They have poor ability to control their reactions and become enraged by minor disturbances, with some sadists being more severely abusive. They use a wide range of behaviors to inappropriately control others, ranging from hostile glances, threats, humiliation, coercion, and restricting the autonomy of others. Often the purpose of their behavior is to control and intimidate others.<sup>[43]</sup> The sadistic individuals are likely rigid in their beliefs, intolerant of other races or other "out-groups", authoritarian, and malevolent. They may seek positions in which they are able to exert power over others, such as a judge, army sergeant, or psychiatrist who misuse their positions of power to control or brutalize others. For instance, a psychiatrist may institutionalize a patient by misusing mental health legislation.<sup>[43]</sup>

## Psychological manipulation

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Braiker identified the following ways that manipulators control their victims:<sup>[4]</sup>

- Positive reinforcement: includes praise, superficial charm, superficial sympathy (crocodile tears), excessive apologizing, money, approval, gifts, attention, facial expressions such as a forced laugh or smile, and public recognition.
- Negative reinforcement: involves removing one from a negative situation as a reward, e.g. "You won't have to do your homework if you allow me to do this to you."
- Intermittent or partial reinforcement: Partial or intermittent negative reinforcement can create an effective climate of fear and doubt. Partial or intermittent positive reinforcement can encourage the victim to persist.
- Punishment: includes nagging, yelling, the silent treatment, intimidation, threats, swearing, emotional blackmail, the guilt trip, sulking, crying, and playing the victim.
- Traumatic one-trial learning: using verbal abuse, explosive anger, or other intimidating behavior to establish dominance or superiority; even one incident of such behavior can condition or train victims to avoid upsetting, confronting, or contradicting the manipulator.

Since the Technological Revolution, online communities have expanded, along with it, online psychological manipulation. Algorithms are being made to detect key phrases, words, images, or "gifts" that contribute to psychological manipulation happening in social media and within online communities.<sup>[44]</sup>

Manipulators may have:<sup>[4]</sup>

- a strong need to attain feelings of power and superiority in relationships with others
- a want and need to feel in control
- a desire to gain a feeling of power over others in order to raise their perception of self-esteem.

## Emotional blackmail

Emotional blackmail is a term coined by psychotherapist Susan Forward, about controlling people in relationships and the theory that fear, obligation, and guilt (FOG) are the transactional dynamics at play between the controller and the person being controlled. Understanding these dynamics is useful to anyone

trying to extricate themselves from the controlling behavior of another person, and deal with their own compulsions to do things that are uncomfortable, undesirable, burdensome, or self-sacrificing for others.<sup>[45]</sup>

Forward and Frazier identify four blackmail types each with their own mental manipulation style:<sup>[46]</sup>

Type	Examples
<b>Punisher's threat</b>	Eat the food I cooked for you or I'll hurt you.
<b>Self-punisher's threat</b>	Eat the food I cooked for you or I'll hurt myself.
<b>Sufferer's threat</b>	Eat the food I cooked for you. I was saving it for myself. I wonder what will happen now?
<b>Tantalizer's threat</b>	Eat the food I cooked for you and you just may get a really yummy dessert.

There are different levels of demands – demands that are of little consequence, demands that involve important issues or personal integrity, demands that affect major life decisions, and/or demands that are dangerous or illegal.<sup>[45]</sup>

## Silent treatment

The silent treatment is sometimes used as a control mechanism. When so used, it constitutes a passive-aggressive action characterized by the coupling of nonverbal, but nonetheless unambiguous indications of the presence of negative emotion, with the refusal to discuss the scenario triggering those emotions and, when the source of those emotions is unclear to the other party, occasionally the refusal to clarify it or even to identify that source at all. As a result, the perpetrator of the silent treatment denies the victim both the opportunity to negotiate an after-the-fact settlement of the grievance in question and the ability to modify one's future behavior to avoid giving further offense. In especially severe cases, even if the victim gives in and accedes to the perpetrator's initial demands, the perpetrator may continue the silent treatment so as to deny the victim feedback indicating that those demands have been satisfied. The silent treatment thereby enables its perpetrator to cause hurt, obtain ongoing attention in the form of repeated attempts by the victim to restore dialogue, maintain a position of power through creating uncertainty over how long the verbal silence and associated impossibility of resolution will last, and derive the satisfaction that the perpetrator associates with each of these consequences.<sup>[47]</sup>

## Love bombing

The expression has been used to describe the tactics used by pimps and gang members to control their victims,<sup>[48]</sup> as well as to describe the behavior of an abusive narcissist who tries to win the confidence of a victim.<sup>[49][50]</sup> In 2016, Claire Strutzenberg performed a study researching "love bombing" within the young adult age group 18 to 30 at college. She found in this study that this age group tended to communicate regularly at the start of the relationship, but as the relationship went on, one of the partners tended to passively push more toward being more dominant over the other partner gradually working toward "love bombing."<sup>[51]</sup>

## Mind games

One sense of mind games is a largely conscious struggle for psychological one-upmanship, often employing passive-aggressive behavior to specifically demoralize or dis-empower the thinking subject, making the aggressor look superior; also referred to as "power games".<sup>[52]</sup>



In intimate relationships, mind games can be used to undermine one partner's belief in the validity of their own perceptions,<sup>[53]</sup> often referred to as 'gaslighting'. Personal experience may be denied and driven from memory;<sup>[54]</sup> and such abusive mind games may extend to denial of the victim's reality, social undermining, and the trivializing of what is felt to be important.<sup>[55]</sup> Both sexes have equal opportunities for such verbal coercion,<sup>[56]</sup> which may be carried out unconsciously as a result of the need to maintain one's own self-deception.<sup>[57]</sup>

## **Divide and conquer**

A primary strategy the narcissist uses to assert control, particularly within their family, is to create divisions among individuals. This weakens and isolates each of them, making it easier for the narcissist to manipulate and dominate. Some are favoured, others are scapegoated. Such dynamics can play out in a workplace setting.<sup>[58]</sup>

## **Human trafficking**

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The use of coercion by perpetrators and traffickers involves the use of extreme control. Perpetrators expose the victim to high amounts of psychological stress induced by threats, fear, and physical and emotional violence. Tactics of coercion are reportedly used in three phases of trafficking: recruitment, initiation, and indoctrination.<sup>[59]</sup> During the initiation phase, traffickers use foot-in-the-door techniques of persuasion to lead their victims into various trafficking industries. This manipulation creates an environment where the victim becomes completely dependent upon the authority of the trafficker.<sup>[59]</sup> Traffickers take advantage of family dysfunction, homelessness, and history of childhood abuse to psychologically manipulate women and children into the trafficking industry.<sup>[60]</sup>

The goal of a trafficker is to turn a human being into a slave. To do this, perpetrators employ tactics that can lead to the psychological consequence of learned helplessness for the victims, where they sense that they no longer have any autonomy or control over their lives.<sup>[60]</sup> Traffickers may hold their victims captive, expose them to large amounts of alcohol or use drugs, keep them in isolation, or withhold food or sleep.<sup>[60]</sup> During this time the victim often begins to feel the onset of depression, guilt and self-blame, anger and rage, and sleep disturbances, PTSD, numbing, and extreme stress. Under these pressures, the victim can fall into the hopeless mental state of learned helplessness.<sup>[59][61][62]</sup>

Children are especially vulnerable to these developmental and psychological consequences of trafficking because they are so young. In order to gain complete control of the child, traffickers often destroy physical and mental health of the children through persistent physical and emotional abuse.<sup>[63]</sup> Stockholm syndrome is also a common problem for girls while they are trafficked, which can hinder them from both trying to escape, and moving forward in psychological recovery programs.<sup>[64]</sup>

## **Oppression**

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Oppression is the exercise of authority or power in a burdensome, cruel, or unjust manner.<sup>[65]</sup>

## **Bullying**

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An essential prerequisite of bullying is the perception, by the bully or by others, of an imbalance of social or physical power.<sup>[66][67]</sup>

## Controlling and coercive behavior

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Controlling individuals can be described as perfectionists<sup>[68]</sup> defending themselves against their own inner vulnerabilities in the belief that if they are not in total control they risk exposing themselves once more to childhood angst.<sup>[69]</sup> Such persons manipulate and pressure others to change so as to avoid having to change themselves,<sup>[70]</sup> and use power over others to escape an inner emptiness.<sup>[71]</sup> When a coercive individual's pattern is broken, the controller is left with a terrible feeling of powerlessness, but feeling their pain and fear brings them back to themselves.<sup>[72]</sup>

In terms of personality-type theory, controlling persons are very much the Type A personality, driven by the need to dominate and control.<sup>[73]</sup> An obsessive need to control others is also associated with antisocial personality disorder.<sup>[74]</sup>

## See also

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- Adult-to-adult narcissistic abuse
- Abuse of power
- Blackmail
- Child grooming
- Control of time in power relationships
- Cycle of violence
- Elder abuse
- Enabling
- Expressions of dominance
- Extortion
- Fit in or fuck off
- Mind control
- My way or the highway
- Personal boundaries
- Power and Control: Domestic Violence in America
- Protection racket
- Sharp power
- Struggle session
- Victim playing

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## External links

- Sarah Strudwick (Nov 16, 2010) Dark Souls – Mind Games, Manipulation and Gaslighting (<http://www.youtube.com/watch?v=PwWBHRKFYCA>)

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# Abuse of Epidemiology:

## Automobile Manufacturers Manufacture a Defense to Asbestos Liability

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Much of the “debate” about the relationship between asbestos exposure from automobile brake work and asbestos-induced cancer has been fueled by studies that have been funded by corporations with billions at stake in tort litigation. The authors explore how asbestos-lined brake manufacturers have corrupted medical literature to escape liability, analyzing studies funded by these companies to enable them to claim that work with asbestos brake linings never causes mesothelioma. They reveal how the companies have redefined scientific criteria for the determination of cause–effect relationships and manipulated scientific data to give the impression of an absence of effect. But the absence of evidence is not evidence of the absence of an effect. *Key words:* mesothelioma; asbestos; corruption; occupational health; brake mechanics.

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In recent years, thousands of automobile and “shade-tree” (amateur) mechanics have sought compensation for asbestos-related disease from manufacturers of asbestos-lined brakes. Despite the fact that these brakes are 40–70% asbestos, the brake manufacturers have vigorously denied that they contributed in any way to a single case of asbestos-caused disease.<sup>1</sup> The brake manufacturers have dismissed the fact that there is no known threshold of exposure associated with mesothelioma (a rare cancer of the pleura or peritoneum), and that in some cases the only documented worker exposures are those that have occurred as a result of exposures to asbestos from brakes.<sup>2</sup> Rather than accept the well-established scientific facts, the industry has funded scientists and lawyers to develop arguments and methods for defending against lawsuits brought by workers and their household members who have developed mesothelioma as a result of exposure to asbestos in brakes.<sup>1,3–6</sup> To support their arguments, the automobile manufacturers have hired consultants

to reanalyze previously published hygiene and epidemiologic studies.<sup>4–7</sup>

Some manufacturers of asbestos-lined brakes—including GM, Ford, Daimler–Chrysler, and Bendix—have sponsored four notable examples of such research since the late 1990s. In 2001, Otto Wong, an epidemiologist working for a California-based health sciences company, fired the first salvo of their defense.<sup>6</sup> Although Wong’s paper is couched as a critique of regulation of exposures to asbestos-lined brakes and EPA risk assessments, Bendix (an automobile brake manufacturer) first presented it as an expert report to defend against a lawsuit by a worker who had been exposed to asbestos brake linings and had contracted mesothelioma.<sup>8</sup> Three years later other manufacturers of asbestos-lined brakes (GM, Ford, and Chrysler) sponsored Goodman et al. to write a second brake-related lung cancer meta-analysis combined with a duplication of Wong’s mesothelioma analysis.<sup>5</sup> The automobile companies then sponsored Hessel et al. to write a third paper which was an extension of a paper by Spirtas of the NIH that had already been included in Goodman et al. and Wong’s meta-analysis.<sup>4</sup> Finally, the industry subsidized an incomplete analysis of historical exposures to asbestos in brake work.<sup>3</sup>

These companies have spent millions of dollars to generate these epidemiologic studies in order to refute claims of causation and thereby avoid compensation payments to victims and their families. Accordingly, all four papers demonstrate the use of two practices associated with the industry’s involvement in scientific research: the redefinition of scientific criteria for the determination of cause–effect relationships and the manipulation of scientific data. In this paper we critique these methods, drawing examples from the first three of the four papers cited above. The first section delineates the process of redefinition of scientific criteria for determination of causation, followed by a more in-depth discussion of specific methods of scientific manipulation utilized in the studies by Goodman et al., Wong, and Hessel. As a whole, we analyze the value of this type of research in regard to its claims about the relationship between exposures to asbestos during brake work and induction of mesothelioma.

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## REDEFINITION OF SCIENTIFIC CRITERIA FOR DETERMINATION OF CAUSE-EFFECT RELATIONSHIPS

This method, first developed by the tobacco industry, involves two parts.<sup>9</sup> First, industry lawyers and scientists redefine the type and amount of “proof” required to legally establish causation.<sup>9</sup> This is done by derogating unfavorable classes of evidence that are unfavorable to industries’ litigation and regulatory positions and insisting that evidence that does not exist or is favorable to industry is most important or essential to establish a cause–effect relationship in court. For example, when a suspect carcinogen is found to cause cancer in human epidemiologic studies but not in animals, companies argue that animal studies are required to prove causation.<sup>9</sup> On the other hand when animal studies are positive and human epidemiology is incomplete or negative, companies argue that human evidence is required before the government can regulate the substance and before workers and others can be compensated.<sup>9</sup>

For example, tobacco companies argue that human epidemiologic studies cannot establish causation but instead only establish some “non-definitive” association between exposure to tobacco smoke and cancer.<sup>10</sup> They have argued that epidemiologic studies cannot distinguish a genetic link between the propensity to smoke and the propensity to contract cancer.<sup>10</sup> This critique of human epidemiologic studies is true, but irrelevant since there is no biologic basis for such speculation. On the other hand, when early researchers failed to induce cancer in animals that were exposed to tobacco smoke, tobacco companies insisted that only animal inhalation studies could “prove” causation.<sup>10</sup> After the now-famous beagle studies, these companies emphasized the importance of mechanistic understanding as a causal requirement.<sup>10</sup> They then argued that unless one could explain exactly how tobacco smoke caused cancer they had no “scientific proof” of causation.<sup>10</sup> Some chemical manufacturers have made comparable epistemological arguments when studies of their products have followed a similar fact pattern. In the early 1970s, for example, when researchers failed to induce cancer in animals following benzene exposure, industry expert witnesses stated that these missing animal data were required to establish that a substance was a human carcinogen.<sup>11,12</sup>

The second element of this method is industry’s insistence on direct causal evidence related to specific forms of exposure in individual cohorts of workers. Human epidemiology is often lacking for most chemical-exposure cancer effects. Most chemical companies, therefore, argue that these missing “animal or other studies,” or human studies in which the exposed workers are exposed to the substance in question only (a virtual impossibility), are required to establish proof of a cause–effect relationship. In the latter case, industry argues that animal and in vitro studies are rendered

invalid as evidence of causation.<sup>9</sup> Since cancer effects have long latent periods and workers are generally subject to potential confounding exposures, these studies are rare and easily criticized.<sup>9</sup> When clear epidemiologic evidence of causation exists, as is the case of the relationship between asbestos and mesothelioma, companies and their experts have argued that before an injured worker can even file a claim for compensation two epidemiologic studies in similarly exposed individuals that find a statistically significant doubling of the risk must be published in peer-reviewed journals.<sup>13</sup> Some Texas courts have accepted this argument and even appear to require the publication of human epidemiologic studies for subgroups of particular industries with statistically significant rate ratios above two before a worker can even file a lawsuit.<sup>14</sup> Greenland calls the use of this criteria a “methodologic error that has become a social problem.”<sup>15</sup>

These stringent legal requirements can be contrasted with the normal physician practice of assigning causation based on an analysis of all available evidence with no specific rate ratio or statistical requirements.<sup>16</sup> In general, practicing physicians attribute lung cancer causation to tobacco smoking if there is evidence of a history of smoking any cigarettes, regardless of brand, for often unspecified time frames prior to disease diagnosis.<sup>9</sup> Practicing physicians would not check to see whether a published, peer-reviewed paper showed that smoking ten cigarettes per day caused a statistically significant doubling of the risk of contracting lung cancer prior to making the determination that a patient’s smoking had caused or contributed to his or her cancer. Physicians also take for granted that all brands smoked contributed to disease causation even in the absence of studies evaluating individual brands.

The asbestos-product manufacturers and their experts have constructed an epistemological straw man, asserting that epidemiologic evidence of causation is required in each and every worker cohort that has a documented excess exposure to a harmful substance before evidence of causation can be presented in court. Companies argue that, to prove causation, both the type of asbestos and the nature of exposure (same job, not just comparable exposure) must be clearly documented in an epidemiologic study as having a causal effect on the development of cancer.<sup>13</sup> Even the tobacco companies have not gone so far as to argue that an expert cannot assert that Virginia Slims cause a specific lung cancer subtype (e.g., bronchogenic cancer) in women absent an epidemiologic study of smokers of that particular cigarette showing a statistically significant twofold increased risk in that particular cohort of female smokers for that particular subtype of lung cancer. Yet the asbestos companies and their experts argue that separate cohort studies are needed to establish causation for the same disease for each fiber type and each product composed of that fiber despite the

fact that almost all workers are exposed to more than one fiber type from more than one product.<sup>13</sup>

As a result, companies and their experts attempt to show that exposures to asbestos from their product are somehow “different” or even irrelevant. Manufacturers argue that exposures to asbestos from their products are quantitatively or qualitatively unlike other asbestos exposures.<sup>13</sup> For example, asbestos in their products is “bound” or “degraded” or “decomposed” or “results in too low an exposure” to cause mesothelioma.<sup>13</sup> Unfortunately, some courts have adopted aspects of this reasoning.<sup>17</sup> In the case of chrysotile asbestos—the only fiber type that industry still claims does not cause mesothelioma—the argument that the particular type of asbestos in a company’s product is different from other types is now generally recognized as the “amphibole hypothesis.”<sup>18–23</sup> It is important to note that product manufacturers who used amosite fiber made similar arguments by claiming that there was insufficient epidemiologic evidence to establish that amosite caused mesothelioma.<sup>24</sup>

## MANIPULATION OF SCIENTIFIC DATA— META-ANALYSIS AND EXPOSURE DATA MISREPRESENTATION

Manipulation of scientific data and misuse or re-interpretation of standard scientific reasoning is ubiquitous in the automobile industry-sponsored asbestos studies. The most common are: selection of inappropriate studies for re-analysis, selective presentation of study data, non-differential exposure-determination bias, inadequate sample size, comparison of an exposed cohort with an inappropriate control group, and misuse of confidence intervals. Here we present these strategies, illustrated with specific examples from the Bendix, Ford, General Motors, and Daimler-Chrysler studies.

### *Selective Presentation of Exposure Data*

In his article, Wong outlines the “lack of exposure” argument as described in the previous section.<sup>6</sup> In doing so, however, he fails to report studies indicating that work with asbestos brake linings leads to exposures that have resulted in asbestos cancers in other occupational and non-occupational settings.<sup>25</sup> Wong not only ignores exposure studies whose results contradict his industry position; he also misrepresents the results of the studies he does report. He states that “studies have shown that brake lining dust contains little recognizable chrysotile fibers” and extrapolates from a few studies to claim that current exposures are “extremely low.”<sup>6</sup> It is true that only some studies have examined decomposed (used) brakes; the heaviest exposure to asbestos occurs during the sanding and grinding of new brakes.<sup>25</sup> Of course, current exposures do not reflect past exposures or risk. Studies of workers’ previous job activities reveal

exposure levels hundreds of times higher than current permissible limits.<sup>25</sup> Wong cites some “data” from a 1987 Finnish study by Kauppinen and Korhonen by listing average fiber concentrations as <0.05 fibers/cc.<sup>26</sup> This study also found, however, that the grinding of brake linings produced asbestos concentrations as high as 125 fibers/cm<sup>3</sup>. Kauppinen and Korhonen reported exposures up to 8.2 f/cm<sup>3</sup> during the cleaning of passenger-car drum brakes using a compressed air jet to remove brake dust.<sup>26</sup> (Unfortunately this is still a common practice in many nations, including the United States.) Average concentrations were between 0.1 and 0.2 f/cm<sup>3</sup> for truck and bus repair. The only data point Wong chose to report from this study represented average exposures during passenger-car repair. Contrary to Wong’s misleading data selection and analysis, this study demonstrated that average asbestos concentrations in Finland may comply with TWA limits, but also showed that peak exposures often exceeded the OSHA excursion limit.<sup>26</sup>

Wong also selectively excerpts information from a paper by Agudo et al., whom he quotes stating, “Overall, 37% of cases of mesothelioma in our population are attributed to a sure (or almost sure) occupational exposure to asbestos and this proportion comes up to 62% when occupations with any probability of exposure are included.” In turn, Wong concludes that “this observation underscores the high proportion of malignant mesothelioma cases not related to occupational exposure.”<sup>6</sup> Wong makes this assertion but omits Agudo et al.’s subsequent qualifying sentence, which states, “Around 40% of cases of mesothelioma in our population could be due to causes other than occupational exposure to asbestos, although possibility of other occupational exposures in non-traditionally hazardous scenarios cannot be ruled out.”

### *Manipulation of Meta-analysis: Inappropriate Study Selection and Selective Presentation of Data*

Industry researchers can often influence results by careful selection of the epidemiologic studies they decide to evaluate. Studies favored by the industry perspective (those with negative results in regard to the relationship between exposure and cancers) are included, and others are ignored or derogated and then excluded. Goodman et al. and Wong reanalyzed a series of epidemiologic studies, claiming that they failed to find an association between brake work and an increased incidence of mesothelioma.<sup>5,6</sup> Both, however, disregard numerous methodologic problems in the individual studies they chose to incorporate in their analyses and ignore study limitations noted by the original authors. Furthermore, these authors selectively omit key information that undermines their conclusions and evidence.

Goodman et al. first attempt to evaluate the quality of 11 studies with potentially relevant information

about the relationship between brake work and mesothelioma. The authors use a self-created 11-point scale to evaluate the studies (the rating system allowed for negative scores). The highest ranked study—one of two purported “studies” based on “personal communications” by Goodman and Hessel themselves—garners a 5, out of 9. The scores for the rest of the studies included in the meta-analysis are unimpressive: 3, 4, 1, 4, 1, and 2, out of 9. Goodman et al. excluded studies that scored minus 1 (the rating system allowed for negative scores) but none of the included studies achieved a passing grade of 60% based on normal academic standards. Goodman et al. seem to believe that evaluating the studies in such a way somehow mitigates their underlying methodologic errors and inadequacies. Unfortunately, revealing errors is not the same as fixing them, and these studies, which were never designed to assess mesothelioma risk to brake-exposed workers, are beyond repair.

After this elaborate quality evaluation, Goodman et al. performed a meta-analysis using the same studies that Wong had reviewed three years before. They excluded two cohorts. The first of these was a study of 685 automobile mechanics that reported two mesotheliomas.<sup>27</sup> The second found a statistically significant excess of mesothelioma in mechanics with a reported rate ratio.<sup>28</sup>

Furthermore, Goodman and his colleagues present the data entirely out of context. The original authors of the underlying studies did not design them to examine the specific issue of exposure to asbestos during brake work and subsequent incidence of mesothelioma. The extraction, therefore, of occasional study participants who happen to be automobile mechanics not only lacks statistical power but cannot be independently used as concrete evidence proving the absence of a relationship between a complicated exposure and a potential outcome. Due to the inherent difficulty in determining asbestos exposure (especially in the case of brake work due to the large number of amateur brake jobs and part-time brake work that can easily go unnoticed when determining exposure) cohort studies must be specifically designed to address the issue of mesothelioma among those exposed to brake dust. Until such studies are conducted, it is wrong to conclude that epidemiologic studies fail to establish a relationship between brake work and asbestos-induced cancer. The converse, however, is not true. To paraphrase Karl Popper, finding a thousand white swans does not prove that all swans are white; the discovery of a single black swan disproves that hypothesis.<sup>29</sup> This is particularly true when a researcher is relying on studies of all bird species (all SIC codes) to determine the color of swans (risk in brake workers). As Lemen has shown, there are plenty of black swans in the context of asbestos-induced cancer; he has documented more than 220 published cases of mesothelioma in users of friction products.<sup>25</sup>

The automobile manufacturers have spent millions of dollars to reanalyze studies that were never designed to determine mesothelioma risk in brake mechanics. On the other hand, they have access to a cohort of their own and their dealers’ workers, whose work involves the installation and repair of brakes. They are perfectly situated to use other demographically similar employees who work at these same facilities as a control population. In many cases they have access to medical and workers’ compensation records that would allow them to efficiently conduct such a study. Why haven’t they done so?\*

Wong and Goodman et al. both exclude evidence from other epidemiologic studies that contradict their conclusions. Hansen, for example, examined the mortality of automobile mechanics and found an excess mortality from mesothelioma.<sup>32</sup> The study reported a single case of mesothelioma over a ten-year period among approximately 20,000 automobile mechanics, yet, because of the rarity of the disease, the authors concluded that, “asbestos exposure is known to occur during the replacement of brake linings, and the single case of pleural mesothelioma is an indication that this exposure has not been negligible.”

#### *Differential Exposure-determination Bias*

In his meta-analysis Wong relied primarily on case-control studies that were fraught with problems of differential exposure-determination bias. Asbestos exposure is difficult to determine since many individuals are unaware of their exposures, especially in secondary cases in which an individual might inhale asbestos fibers from the clothing of a spouse or parent returning home from asbestos-related work. In the case of brake work, many individuals engage in part-time or amateur mechanic work, yet otherwise engage in other careers and may therefore be classified as unexposed if determination is based on a classical epidemiologic determination of “regular occupation.” Of course the direction of any potential or actual bias is a key issue in analyzing its potential effect on the results of a study. Random exposure misclassification biases results towards the null. However, as we discuss below, in this case, because exposure is more often missed in the exposed cohort, the misclassification is likely to lead to an inverse relationship between exposure and disease.

In the case of mesothelioma, in which the time between diagnosis and death is usually a matter of months, retrospective study designs such as case-con-

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\*Or perhaps their lawyers have already conducted such a study and kept it secret. As has been noted, in tobacco litigation, company lawyers often contract with experts to conduct studies. If the studies are unfavorable the company does not have to produce these in litigation. The brake manufacturers’ lawyers have funded and actually helped conduct some studies related to brake exposures.<sup>30,31</sup>



trol studies often require the interviewing of surrogates (spouse, children, etc) to determine exposure. Direct interviews of cases or controls are far more likely to uncover prior brake exposure than are interviews with surrogates. Individuals who did not work primarily as automobile mechanics are likely to be misclassified as unexposed if surrogate interviewees are unaware of any part-time or amateur brake work done earlier in life. Since mesothelioma cases are more likely to be deceased at the time of interview than controls, a differential exposure-determination bias may show that the “exposed” have less risk than the unexposed. Next-of-kin interviews are particularly subject to this result, since brake exposures often occur among “shade tree,” occasional, or even high school mechanics in automobile repair courses. These exposures are more likely to be reported by patients themselves than by relatives, particularly children of patients. In many of the studies the researchers determined exposure from direct interview of controls, in comparison with greater reliance on interviews with survivors of mesothelioma patients. Next-of-kin interviews were therefore used more often to estimate exposure in mesothelioma patients than in controls. Since direct interviews are more likely to elicit a history of exposure to brakes than next-of-kin interviews, brake exposures are systematically more likely to be recorded for controls than cases. Goodman et al. acknowledge the problem of next-of-kin interview bias but omit any discussion of the fact that the consequence of this bias is a result showing that brake work protects against mesothelioma. This phenomenon is demonstrated by the fact that most of the studies Wong and Goodman et al. selected had rate ratios of less than one. Wong’s overall point estimate was 0.90 (95% confidence interval 0.66–1.23), while Goodman et al. determined that exposure to brake dust produced a statistically significant and important reduction in the rate of mesothelioma of 0.67 (95% confidence interval 0.53–0.84) in all studies combined.† The finding that brake work reduces the risk of mesothelioma is a sign of systematic error in this meta-analysis, because exposure to asbestos brakes cannot reduce the risk of developing mesothelioma by 33%. That is, however, what these selected meta-analyzed data showed.

### Other Bias Issues

The study conducted by Agudo and others, published in 2000, demonstrates how differential exposure determination can bias results when exposure histories of cases (who are dead or too sick to be interviewed directly) are more likely to be determined by surrogate interviews than are exposure histories for controls.<sup>33</sup>

†They found combined RRs of 0.92 (95% CI 0.55–1.56) in Tier I studies and 0.81 (95% CI 0.52–1.28) Tier II studies.

Forty-four percent of cases were deceased at the time of the study, and thus researchers determined their exposures through family-member interviews. Among the control group, however, the researchers directly interviewed all but one participant. Cases, therefore, may have been less likely to be classified as exposed, which would bias the resulting risk ratios to be less than one. In addition, the researchers considered only occupations that had been held for at least six consecutive months, meaning that workers with exposures from part-time or amateur brake jobs were omitted. This random misclassification biased the results of the study towards the null. The authors also assumed *without question* that brake work puts an individual at risk for asbestos exposure, by placing brake mechanics in the “risk of exposure” category in their analysis. The rate ratio for this entire category of asbestos-exposed workers was elevated, at 2.59, but the analysis of a small number of individuals within the category of at-risk occupations (i.e., the brake mechanics) cannot lead to any sound conclusions.

The study published in 1994 by Spirtas and others provides additional evidence that exposure-determination bias is a real threat to study validity.<sup>34</sup> In the study, younger cases had a higher attributable risk for mesothelioma from asbestos exposure than did older cases. This is likely to have resulted from more accurate exposure assessment among younger individuals, who were better able to remember more recent exposure events. Spirtas et al. did not include independent analyses of the members of the cohort who reported “brake lining work or repair” (105 of 741) because of the high rate of multiple asbestos exposures in this group.<sup>34</sup> Unlike the authors of the original study, Wong fails to note these non-brake exposures or the original authors’ exclusion of these workers, and relies on these rejected data in his meta-analysis.<sup>6</sup>

The automobile manufacturers paid Hessel et al. to “update” the Spirtas cohort and reanalyze its brake-worker data in 2004.<sup>4</sup> The results of the analysis presented by Hessel and colleagues reveal the methodologic problems with the use of the NIH data set. First, the analysis of Hessel et al. indicated that non-occupational brake work prevented workers from developing mesothelioma (regression beta was –0.184). In addition, their analysis found that higher levels of exposure to asbestos among workers performing occupational brake work were more protective (regression beta was –0.307). In other words, these authors found a dose-response relationship between exposure to asbestos-lined brakes and reduced risk of mesothelioma. Of course, brake work cannot reduce workers’ risk for contracting mesothelioma, and it certainly can’t do this in a “dose”-dependent manner. The unbelievable dose-response relationship is further evidence that the study suffered from systematic error. Hessel and his colleagues also examined six other job categories of

asbestos-exposed workers, all of whom have been found to have developed asbestos-induced mesothelioma or other asbestos-related disease in other studies, including workers exposed to asbestos insulation in furnace or boiler installation or repair,<sup>35,36</sup> building demolition,<sup>37,38</sup> plumbing or heating repair,<sup>39,40</sup> elevator installation or repair,<sup>41</sup> production of asbestos textiles, and production of paper products.<sup>42–45</sup> In contrast to previous cohort studies, Hessel et al. found no increased risk of mesothelioma in workers performing these jobs. They found elevated odds ratios for shipbuilding and repair work (OR 6.04, CI 3.74–9.75) and insulation work (OR 3.38, CI 2.20–5.17). While elevated, these odds ratios are orders of magnitude lower than those found in cohort studies of these same two groups. For example, Selikoff found that about 10% of insulators died from mesothelioma, giving an approximate rate ratio of 1,000.<sup>46</sup> Thus, unless one is willing to believe that brake work protects against mesothelioma and that previous cohort studies of other job categories are wrong, Hessel et al. have provided results indicating that their method biases results to the null and/or reverses actual effects of exposure, turning harmful exposures into beneficial ones.

Teschke et al. used an occupation-classification scheme that may also have biased results towards the null.<sup>47</sup> The authors stated, “In addition, grouping of occupations was likely to result in non-differential misclassification, usually biasing risk estimates to the null value.” Wong omitted this critical fact. The study is also another example of differential exposure-determination bias—the authors determined exposure histories for 13.6% of controls’ histories of exposure were obtained through next-of-kin interviews, compared with 33% of cases. The study also had a higher non-participation rate among controls, which could lead to selection bias, and interviewers were not blinded to the case-control status of the interviewee, possibly leading to interviewer bias.

The Weitowitz and Rodelsperger study focused solely on the issue of a relationship between automobile mechanic work and mesothelioma.<sup>48</sup> Part of this study is of no value in determining the relationship between any asbestos exposure and mesothelioma because the authors used lung cancer patients as controls. Exposure status is likely to be similar among the control group and the cases, which would lead to little discernable difference in risk between the two groups, despite any real association that may exist between brake work and mesothelioma. Since asbestos exposure is a well-known risk factor for lung cancer, any mesothelioma case-control study with lung cancer patients as the control group will almost certainly produce results at or below the null. This study demonstrates this effect well, since the researchers used “population controls” as well as lung cancer patients as controls. The odds ratio (OR) for “hospital controls” was 0.75, almost half

that for population controls, 1.32. Rather than report both results, Wong presented an average OR of 0.87. Goodman et al. published both ORs but included only the lower average in their meta-analysis.<sup>5,6</sup>

McDonald and McDonald conducted a case-control study, published in 1980, examining mesothelioma cases from Canada and the United States.<sup>49</sup> Like the Weitowitz and Rodelsperger study, this study relied on an inappropriate control group; control subjects were patients in cases diagnosed by pathologists in which “pulmonary metastases were present from a non-pulmonary malignant tumor.”<sup>48,49</sup> For example, the control group may have included patients who had died from mesothelioma or other asbestos-induced malignancies such as laryngeal or colon cancer.<sup>50,51</sup> The choice of such controls biased results towards the null. In addition, the study reviewed occupational status only ten years prior to death. Since mesothelioma has a minimum latency period of about ten years, this study did not necessarily address any subject’s most relevant exposures. McDonald et al. subsequently compared lung-fiber burdens between control and mesothelioma patients and found no statistically significant difference between the amounts of chrysotile, amosite or crocidolite.<sup>52</sup> This is further evidence that controls were not adequately chosen, since they were clearly exposed to as much asbestos as the 99 mesothelioma patients. This misclassification biases the results to the null.

Both Wong and Goodman et al. ignore other studies that reveal mesothelioma risk to brake-manufacturing workers. Since these authors base their argument for lack of risk on fiber length and the general issue of whether or not chrysotile can ever cause mesothelioma, they are clearly relevant. And while they are also compromised by numerous methodologic and other problems, they do show increased rates of mesothelioma in brake manufacturing workers.<sup>53,54</sup> Dodson has critiqued the “short fiber” argument elsewhere.<sup>55</sup> The risk to brake-manufacturing workers is relevant to the question of risk to brake-repair workers, since the fiber used in the manufacture of brakes is the same length as that in new brakes. If there is relevance to the short-fiber argument at all, it relates to exposures from used brakes. Brake-repair workers are exposed to fibers from both new and used brakes from tooling parts as well as blow-out of brake-wear dust.

In 1982, McDonald and Fry published results of a study of a Connecticut chrysotile asbestos brake-manufacturing factory and concluded that, “The failure to find a single mesothelioma among 1469 deaths in 4738 employees of the largest and oldest asbestos factory in the state suggests that chrysotile in the manufacture of friction products was not responsible for the problem.”<sup>54</sup> In a study of three plants including the Connecticut plant, McDonald et al. reported “only” 0.4 cases of mesothelioma per 1,000 individuals in chrysotile asbestos factories over the course of approx-



imately 40 years [1/100,000 or 10 per million per year]. They then asserted that, “This finding supports much other evidence that amphibole are mainly responsible for mesothelioma whereas chrysotile has little or no mesothelioma-producing potential.”<sup>54</sup> The authors present this evidence, however, without discussing the expected population rate for comparison. Teta et al. report an expected rate of 2.2 cases per million each year for the total population and 4 per million for Connecticut.<sup>56</sup> Comparisons with expected population rates are also problematic, since at least half of all mesothelioma cases are caused by occupational exposures to asbestos. The unexposed expected rate is no higher than 1 per million.<sup>57</sup> For a true comparison to be drawn, it would have to be with only those cases that were not occupational, since the risk of mesothelioma among automobile mechanics should not be compared with the risk of workers in other occupations known to cause the disease, but with those who were not occupationally exposed. The rate reported by McDonald et al. is therefore at least more than double the expected rate. McDonald’s data thus support the claim that chrysotile asbestos causes mesothelioma.

The McDonalds’ research suffered from other, more serious problems. In 1983, Teta et al. described findings from the state of Connecticut cancer registry and reported three mesothelioma deaths in the same Connecticut factory and during the same time frame used in the McDonald study.<sup>56</sup> One year after the publication of Teta’s paper, in 1984, McDonald et al. published their “final” report on the plant. This “final” report, however, did not report the full data from the original cohort, which included both men and women, but reported data from the male portion of the cohort only.<sup>58</sup> Two “missed cases” occurred in women who were members of McDonald’s cohort.<sup>59</sup> McDonald et al. reported that they had found not a single case of mesothelioma in this plant and failed to mention the cases Teta cited from the state of Connecticut registry.<sup>53</sup> In their 1982 paper, McDonald and Fry claimed their data were reliable, in large part due to the existence of the very same registry. They stated, “The opportunity for recognition of mesotheliomas was also very good at the chrysotile friction materials plant, as the state of Connecticut has maintained a renowned cancer register.”<sup>54</sup> Clearly this would hold true only if the authors had checked the registry prior to the publication of their paper; unfortunately, it appears that they had not done so.<sup>59,60</sup> Teta et al. claim they informed them of the discrepancy and in 1986 McDonald tried to explain the omission away.<sup>59</sup> McDonald stated that she and her colleagues omitted the cases because mesothelioma had not been indicated on two of the deceaseds’ death certificates, the primary measure of outcome in their study, and that they excluded the third case because he had terminated work prior to the beginning date of their study.<sup>59</sup> However, in 1986, by the time McDonald

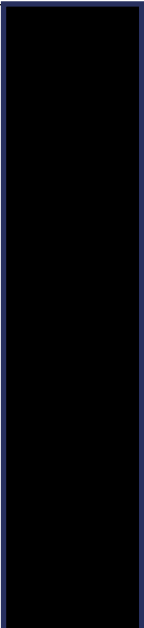
had commented on these discrepancies, at least two other cases of mesothelioma in the plant had been reported on death certificates (see Table 1, cases 1 and 2). Both fit the initial cohort definition and the first left employment before there was any alleged amphibole use. These cases occurred after the termination date of the McDonald study. We are now aware of at least six additional mesothelioma cases in workers from the plant, four of whom had no other possible exposures to asbestos (Table 1). At least four of these cases are known to the main sponsors of the McDonalds’ research, since members of the Quebec Asbestos Mining Association (QAMA) were sued by three of them. Therefore, there were a total of at least nine mesotheliomas in this factory, which used chrysotile until 1957 only.<sup>‡</sup> Perhaps by unfortunate coincidence, all of these cases occurred before or after the beginning and ending dates of the McDonalds’ studies or the diagnoses were not reported on the death certificates.

Death certificates, in general, are often inadequate means of determining a mesothelioma diagnosis, due to the strong possibility of other related conditions’ becoming the primary causes of death (e.g., cardiac arrest) and because mesothelioma is frequently misdiagnosed. Mesothelioma was not added as a specific ICD code until 1968.<sup>61</sup> The study was conducted in the 1970s, mostly examining data from prior decades, in which mesothelioma was a lesser-known disease that was frequently not accurately diagnosed. In addition, the Connecticut registry was an excellent source of data for a comparison of expected and plant rates. To make the data compatible, the registry should have been used to determine the mesothelioma rates for the plant workers. Had they done so, McDonald et al. would not have missed the two mesothelioma cases that occurred during their selected observation period. Of course, the most important result of the exposure to chrysotile at this plant is the death of nine workers from mesothelioma in a population of about 4,500 workers. Although the McDonalds et al. stressed the importance of this cohort in asserting that chrysotile did not cause mesothelioma, these nine cases provide additional evidence that chrysotile causes mesothelioma.

Despite the fact that Teta is a co-author of one of the brake-manufacturer-funded papers and works for the company that generated three of these papers, the brake-manufacturer-funded researchers failed to use any of these studies or data to assess the hazard of exposure to chrysotile-lined brakes.<sup>5,6</sup> Other industry-funded researchers have also failed to use this information in assessing chrysotile risks. Recently, Crump and Berman completed a risk assessment for asbestos for the EPA.<sup>63</sup> To some extent this was an update of a previous assess-

<sup>‡</sup>Some anthophyllite was used beginning in 1957, and about 400 pound of crocidolite were used experimentally in the laboratory from 1964 to 1972.<sup>53</sup>

**TABLE 1—Mesothelioma Case in a Chrysotile Brake Manufacturing Plant**

	Date of Birth	Date of Diagnosis	Raymark Work Dates	Job Description	Other Exposures	Death Certificate/ Autopsy
Case 1		5/21/1980	1926–1937	Office worker Shipping clerk	None: no known home repair, friction, or additional occupational exposures.	Left lobar pneumonia, mesothelioma
Case 2		9/3/1985	1940–1985	Unknown	Unknown	Malignant mesothelioma
Case 3		3/24/1994	1983–1984	Unknown	Was also exposed to asbestos in the Navy, and had other occupational exposures including EB, American Linen Supply, Upjohn and U.S. Rubber	Respiratory failure, mesothelioma
Case 4		9/16/1996	1937–1962 1970–1968	Plant worker	None: worked in security and sales for other occupations; no known home repair or friction exposure	Respiratory failure, mesothelioma
Case 5		5/24/1999	1940–1941	Carding/ spinning room laborer	None: truck driver and woodworker for other occupations	Mesothelioma
Case 6		3/14/2000	1965–1985	Machine operator	None: no known home repair, friction or additional occupational exposures	Lung cancer Autopsy report: mesothelioma

Based on Lewinsohn's<sup>62</sup> Connecticut expected rate of 4 mesothelioma cases per million, the expected number of cases is 1.4, observed number is 9; therefore, the RR is 6.4 and  $p < 0.05$ .

ment they had done for the Asbestos Information Association, an asbestos industry lobby and public relations front, in 1984.<sup>64</sup> Berman and Crump ignored the published mesothelioma cases from the friction plant that McDonald had acknowledged in 1986, and based their dose–response analysis on the assumption that there were no cases in that plant,

Perhaps the most interesting of the changes between the 1986 KL value estimates and the current KL value estimates involves the friction products plant in Connecticut (McDonald et al. 1984). Although a relatively small, positive exposure–response was estimated from this study in the 1986 Health Effects Update, the best current estimate is that this is essentially a negative study (no excess risk attributable to asbestos).<sup>63</sup>

Teta served as an official reviewer of Berman and Crump's paper, and although the omitted cases were noted in 1983, along with the need for further follow-up on this cohort, Teta recommended that the EPA adopt the Berman–Crump model before the cohort follow-up was performed.<sup>65</sup> The Berman–Crump model did not incorporate these 1983 data, and we have reported our partial follow-up of this population in this paper. Berman and Crump also relied on dose estimates from QAMA studies about which the authors themselves stated, “It remains doubtful, however, whether conversion [of particle dose estimates, the only measure of

exposure in the QAMA studies] to a fibre equivalent can have much epidemiological validity.”<sup>66</sup>

### *Inadequate Sample Size*

Because of the broad nature of most of the studies, examining mesothelioma risks among many different occupational groups, the numbers used by Wong from each study (i.e., the number of garage mechanics in each study) is usually less than 25. Hessel et al. (the highest-rated study in Goodman et al.'s re-analysis) reports an OR for brake workers based on only two cases after “controlling” for insulation and shipbuilding exposure and on a single case after controlling for all other potential asbestos exposures. Any conclusions relative to safety based on these tiny sample sizes are reckless.

### *Use of Inappropriate Control Group*

It is extremely difficult to find a comparable control group for hospitalized mesothelioma cases. Due to the rarity of the condition, mesothelioma cases are often referred to large medical centers. Some hospital controls who do not have “rare” diseases will not reflect the true demographics of the desired denominator population. Patients with mesothelioma are often referred from rural or suburban to urban hospitals for diagnosis or treatment. Patients from these urban environments are likely to be overrepresented in the control

group and are more likely to have been exposed to brakes than the rural or suburban neighbors of the cases (controls that more accurately reflect the demographics of the cases). This effect helps explain how all but one of the studies Wong and Goodman et al. analyzed found that brake work reduced the risk of the development of mesothelioma.

### *Misuse of Confidence Intervals*

Almost all of the studies reviewed report confidence intervals that include a rate ratio greater than one.<sup>5,6</sup> When risk ratios are being calculated on small samples, point estimates cannot be considered particularly accurate, and examination of confidence intervals is more important in determining risk. Wong and Goodman et al., however, mention these confidence intervals only in passing and base their entire analysis on point estimates.

## DISCUSSION

Despite the clear methodologic problems with the above-mentioned studies used in their meta-analyses, Goodman et al. and Wong present them as unquestionable evidence of the absence of an association between brake work and mesothelioma.<sup>5,6</sup> None of the studies used was designed specifically to examine this association, bringing in the possibility that unknown confounders could be at play. Despite this, Wong presents the studies under the heading of “Epidemiologic Studies of Mesothelioma among Auto Mechanics” and Goodman et al. title their paper, “Mesothelioma and Lung Cancer among Motor Vehicle Mechanics: A Meta-analysis.” As we have shown, a study that is not designed specifically to determine brake-work exposure is likely to be fraught with bias due to the complexity of exposure determination.

The World Trade Organization issued a ruling on the matter in September 2000, after extensive expert testimony led to a conclusion that chrysotile asbestos does produce a real risk of mesothelioma to mechanics.<sup>67</sup> The ruling allowed European countries to ban the use of asbestos-containing brakes. Both papers omit this information as well.

After publication of Wong’s paper but before the publication of that of Goodman et al., considerable evidence emerged from studies conducted in Australia by Leigh et al. supporting an association between automobile mechanic work and mesothelioma. Of the approximately 6,000 individuals in Australia’s extensive mesothelioma death registry, 1.2% were automobile mechanics.<sup>68–70</sup> For many, the only source of asbestos exposure was brake-lining repair.<sup>68,69</sup> In a number of individuals examined, only chrysotile asbestos fibers were found, indicating that chrysotile exposure alone can cause malignancy.<sup>69</sup>

On the whole, Wong and Goodman et al. fail to adequately address the issue of the relationship between brake work and mesothelioma. The small numbers of

individuals pulled from larger studies, from which Wong reports risk ratios to support his argument, lack statistical power as well as epidemiologic meaning due to the large amount of potential bias. The meta-analyses begin to address the problem of a lack of statistical power. However, since the data used for the analysis are handpicked from the literature to the exclusion of contrary evidence, and those that are included are likely to suffer from various types of bias, the results reported are not reliable. Until prospective cohort studies specifically designed to determine asbestos exposure from brake-lining installation and repair are conducted, definite conclusions about the magnitude of this risk cannot be made. It is clear that a risk exists.<sup>25</sup>

Moreover, the entire argument addressed by these analyses, regarding the risks of chrysotile, is specious in light of the following undisputed facts:

1. Chrysotile causes lung cancer.<sup>72</sup>
2. Chrysotile causes asbestosis.<sup>72–74</sup>
3. Chrysotile used in the United States is contaminated with tremolite—an amphibole.<sup>75</sup>
4. Products made from chrysotile contain tremolite.<sup>76</sup>
5. Chrysotile is concentrated in the pleura.<sup>77</sup>
6. Populations with mixed exposures to amphiboles and chrysotile have double the rate of mesothelioma of those exposed to amphibole alone.<sup>78–80</sup>
7. Brake-repair workers get substantial airborne asbestos exposures from grinding brake and clutch parts and blowing out dust from brake assemblies.<sup>25</sup>

Almost all brake workers have had some exposure to amphibole with, or as well as, chrysotile. Thus, even if chrysotile alone is not a cause of mesothelioma it acts synergistically with amphiboles to increase the incidence of this cancer.

## CONCLUSION

The methods utilized by the asbestos and related industries—the redefinition of scientific criteria for determining cause–effect relationships and the manipulation of scientific data and scientific inferences—have obscured the true picture regarding asbestos exposure and mesothelioma. In contrast to their experts’ opinions, the relationship between exposure to asbestos and mesothelioma has long since been recognized by the brake-industry executives who retained Goodman et al. and Wong.<sup>5,6</sup> In his 1973 private presidential address to brake manufacturers, Ike Weaver, the Chairman of the Asbestos Study Committee of the Friction Materials Standards Institute, an industry trade organization, noted the importance of this phenomenon:

I know of no way any of us can be absolutely sure that his friction products, regardless of whether they are sold as original equipment or on the replace-

ment market, will not be subjected to additional operations or alterations in the field that could result in excessive exposure of workers or bystanders to airborne asbestos fibre. I have been appalled to learn of a number of instances where this problem has occurred, and some of these cases involved people that certainly might have been expected to know better. . . .

If this kind of thing occurs in fabrication operations of major OE [original equipment] customers, it appears to me there can be no argument about the need for educational measures to reduce chances of unnecessary exposure during grinding, drilling, or cutting operations. To those who argue that labeling or other types of warning need not apply to replacement materials because fabricators or appliers handling replacement quantities are exposed relatively intermittently, I say emphatically this just ain't necessarily so! Large volume replacement users present major potential hazards, and even small job shops can needlessly expose people to high fibre concentrations if operations are performed without controls.<sup>81</sup>

Despite the secret industry acknowledgement of risk and high exposures, Goodman et al. and Wong manipulate epidemiologic science to conclude that exposure to asbestos from brakes does not induce asbestos-related malignancies. As we and others have noted, absence of evidence is not evidence of absence; in other words, failing to find an association does not provide any evidence that an association does not exist.<sup>82</sup> Once it is generally accepted that a substance can cause disease in humans, all that is required to establish causation is documentation of exposure to that substance. For example, the OSHA benzene standard did not require epidemiologic evidence of cancer risk in every sector covered by the standard.<sup>83</sup> In the case of vinyl chloride, chemical companies themselves removed the compound as a propellant in hair sprays based on animal studies alone because of the risk of unlimited liability.<sup>84</sup> The asbestos industry and the automobile industry, rather than hiding behind a "dust cloud" of misleading science, should do the same and stop using asbestos in brakes worldwide.

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## ABUSIVE LITIGATION: WHEN YOUR ABUSER EXPLOITS THE LEGAL SYSTEM

Updated January 2021

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### What Is "Abusive Litigation"?

Abusive litigation is when someone uses the legal system to take power and control over you. It is common in domestic violence cases.

Even if you have left your abuser, he or she can cause psychological, emotional, and financial harm by taking you—and even your friends and relatives—to court again and again.

### What Counts as Abusive Litigation?

Abusive litigation can come up in several types of cases, including family law, protection orders, and unnecessary ("frivolous") lawsuits.

Common forms of abusive litigation are:

- Filing for protection orders against you and/or your friends or family.
- Starting custody battles.
- Filing contempt motions against you for no reason.
- Describing you as an unfit parent and/or requesting mental health evaluations.
- Filing unnecessary ("frivolous") motions, appeals, motions for revision, or motions for reconsideration, forcing you back into court.
- Trying to bring closed cases back into court ("relitigate").
- Trying to relitigate in different courts (switching jurisdictions).
- Using the court's discovery requests and/or using the discovery process to bring up embarrassing or irrelevant information about you, and/or taking up a lot of your time and money with large discovery requests.
- Dragging out court hearings, harming you financially and/or emotionally.
- Refusing to obey court orders, forcing you to spend time and money to enforce the orders.



- Threatening to report you to immigration authorities.
- Making false reports to Child Protective Services (CPS).
- Falsely claiming you abuse drugs or alcohol.
- Suing you for reporting abuse.
- Suing or threatening to sue anyone who helps you, including family, friends, advocates, attorneys, and law enforcement officers.
- Filing complaints against the judge or your lawyer.

### ***Can Abusive Litigation Be Stopped?***

Judges can help stop abusive litigation with a specific court order: *Order Restricting Abusive Litigation*.

The *Order Restricting Abusive Litigation* can:

- Prohibit abusive litigants from filing new lawsuits without the court's authorization.
- Limit the number of allowable court filings.
- Limit the scope of discovery.
- Require abusive litigants to post a bond for lawyers' fees.
- Impose sanctions.
- Impose conditions on—or prohibit—appeals.

### ***What Can I Do to Make It Stop?***

If you are experiencing abusive litigation, notify the court and ask the court to take action. You or your lawyer can file a *Motion to Restrict Abusive Litigation* along with a proposed *Order on Motion to Restrict Abusive Litigation*. See [Resources](#) below for links to these forms.

If the judge is not familiar with abusive litigation, you may want to refer him or her to "Abusive Litigation and Domestic Violence Survivors," Appendix H in the *Domestic Violence Manual for Judges*. It has extensive information about this topic. Family Law judges should have this manual. See [Resources](#) below.

### ***Resources***

- ["Abusive Litigation and Domestic Violence Survivors,"](#) by Legal Voice (Appendix H of the *Domestic Violence Manual for Judges*)
- Court forms
  - [Motion to Restrict Abusive Litigation](#)
  - [Order on Motion to Restrict Abusive Litigation](#)
- Related Publications from Legal Voice
  - [How to Find a Lawyer and Other Legal Resources in Washington State](#)
  - [How to Protect Your Privacy in Court Files](#)
- Washington State law: [RCW 26.51, Abusive Litigation – Domestic Violence](#)

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

This information is current as of December 2016. Updated by Chloe Phalan and Catherine West.

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# Emotional blackmail

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**Emotional blackmail** and **FOG** are terms, popularized by psychotherapist Susan Forward, about controlling people in relationships and the theory that fear, obligation and guilt (FOG) are the transactional dynamics at play between the controller and the person being controlled. Understanding these dynamics is useful to anyone trying to extricate oneself from the controlling behavior of another person and deal with their own compulsions to do things that are uncomfortable, undesirable, burdensome, or self-sacrificing for others.<sup>[1]</sup>

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## General

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The first documented use of "emotional blackmail" appeared in 1947 in the *Journal of the National Association of Deans of Women* in the article "Emotional Blackmail Climate". The term was used to describe one type of problematic classroom control model often used by teachers.<sup>[2]</sup> Esther Vilar, an Argentine physician, also used the term "emotional blackmail" in the early 1970s to describe a parenting strategy observed among some mothers with multiple children.<sup>[3]</sup>

Emotional blackmail typically involves two people who have established a close personal or intimate relationship (parent and child, spouses, siblings, or two close friends).<sup>[4]</sup> Children, too, will employ special pleading and emotional blackmail to promote their own interests, and self-development, within the family system.<sup>[5]</sup>

Emotional blackmailers use fear, obligation and guilt in their relationships, ensuring that others feel afraid to cross them, obligated to give them their way and swamped by guilt if they resist. Knowing that someone close to them wants love, approval or confirmation of identity and self-esteem, blackmailers may threaten to withhold them (e.g., withhold love) or take them away altogether, making the second person feel they must earn them by agreement.<sup>[6]</sup> Fear, obligation or guilt is commonly referred to as "FOG". FOG is a contrived acronym—a play on the word "fog" which describes something that obscures and confuses a situation or someone's thought processes.

The person who is acting in a controlling way often wants something from the other person that is legitimate to want. They may want to feel loved, safe, valuable, appreciated, supported, needed, etc. This is not the problem. The problem is often more a matter of how they are going about getting what they want, or that they are insensitive to others' needs in doing so that is troubling—and how others react to all of this.<sup>[1]</sup>

Under pressure, one may become a sort of hostage, forced to act under pressure of the threat of responsibility for the other's breakdown.<sup>[7]</sup> One could fall into a pattern of letting the blackmailer control his/her decisions and behavior, lost in what Doris Lessing described as "a sort of psychological fog".<sup>[8]</sup>

## Types

Forward and Frazier identify four blackmail types each with their own mental manipulation style:<sup>[9]</sup>

Type	Example
<b>Punisher's threat</b>	Eat the food I cooked for you or I'll hurt you.
<b>Self-punisher's threat</b>	Eat the food I cooked for you or I'll hurt myself.
<b>Sufferer's threat</b>	Eat the food I cooked for you. I was saving it for myself. I wonder what will happen now.
<b>Tantalizer's threat</b>	Eat the food I cooked for you and you just may get a really yummy dessert.

There are different levels of demands—demands that are of little consequence, demands that involve important issues or personal integrity, demands that affect major life decisions, and/or demands that are dangerous or illegal.<sup>[1]</sup>

# Patterns and characteristics

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## Addictions

Addicts often believe that being in control is how to achieve success and happiness in life. People who follow this rule use it as a survival skill, having usually learned it in childhood. As long as they make the rules, no one can back them into a corner with their feelings.<sup>[10]</sup>

## Mental illness

People with certain mental conditions are predisposed to controlling behavior including those with paranoid personality disorder,<sup>[11]</sup> borderline personality disorder,<sup>[12]</sup> and narcissistic personality disorder.<sup>[13]</sup>

People with borderline personality disorder are particularly likely to use emotional blackmail<sup>[12]</sup> (as too are destructive narcissists).<sup>[13]</sup> However, their actions may be impulsive and driven by fear and a desperate sense of hopelessness, rather than being the product of any conscious plan.<sup>[14]</sup>

## Codependency

Codependency often involves placing a lower priority on one's own needs, while being excessively preoccupied with the needs of others. Codependency can occur in any type of relationship, including family, work, friendship, and also romantic, peer or community relationships.<sup>[15]</sup>

## Affluenza and children

Affluenza—the status insecurity derived from obsessively keeping up with the Joneses—has been linked by Oliver James to a pattern of childhood training whereby sufferers were "subjected to a form of emotional blackmail as toddlers. Their mothers' love becomes conditional on exhibiting behaviour that achieved parental goals."<sup>[16]</sup>

## Assertiveness training

Assertiveness training encourages people to not engage in fruitless back-and-forths or power struggles with the emotional blackmailer but instead to repeat a neutral statement, such as "I can see how you feel that way," or, if pressured to eat, say "No thank you, I'm not hungry." They are taught to keep their statements within certain boundaries in order not to capitulate to coercive nagging, emotional blackmail, or

bullying.<sup>[17]</sup>

## Recovery

抵制情感敲诈的技巧包括加强人际界限，抵制需求，制定权力声明（决心承受压力）以及花时间打破旧模式。重新连接勒索者已否决的自我自治部分不一定很容易。<sup>[9]</sup>即使您承认内as是诱发性和非理性的，也可能基于情感敲诈而感到内；<sup>[18]</sup>但仍然能够抵制过度补偿，并忽略勒索者发脾气而引起注意的企图。<sup>[19]</sup>

但是，以友好的方式始终不理睬这种操纵可能会导致操纵的加剧和分离的威胁，<sup>[20]</sup>或被指控为“疯狂”或“家庭破坏者”。<sup>[9]</sup>

## 文化实例

- 安吉拉·卡特（Angela Carter）将《美女与野兽》描述为美化了野兽方面的情感敲诈，以此来控制自己的目标美女。<sup>[21]</sup>
- 小说家多丽丝·莱辛（Doris Lessing）声称：“到五岁时，我就成为了勒索的专家。”<sup>[22]</sup>

## 批评

丹尼尔·米勒（Daniel Miller）反对，在通俗心理学中，情感勒索的想法已被滥用为抵制任何形式的同情或对他人的考虑的辩护。<sup>[23]</sup>

用诸如“勒索”和“操纵”之类的煽动性术语来标记这种动态可能没有什么用处，因为它既是两极分化的，又意味着预谋和恶意，通常不是这种情况。控制行为和被控制是两个人之间的交易，两者都在起作用。<sup>[1]</sup>

## 另请参阅

- 滥用权力与控制权
- 诉诸情感
- 相互依存
- 强制说服
- 双重约束
- 家庭关系
- 内trip之旅
- 智力游戏
- 劝说
- 惩罚（心理学）

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# Obfuscation

**Obfuscation** is the obscuring of the intended meaning of communication by making the message difficult to understand, usually with confusing and ambiguous language. The obfuscation might be either unintentional or intentional (although intent usually is connoted), and is accomplished with circumlocution (talking around the subject), the use of jargon (technical language of a profession), and the use of an argot (ingroup language) of limited communicative value to outsiders.<sup>[1]</sup>

In expository writing, unintentional obfuscation usually occurs in draft documents, at the beginning of composition; such obfuscation is illuminated with critical thinking and editorial revision, either by the writer or by an editor. Etymologically, the word *obfuscation* derives from the Latin *obfuscatio*, from *obfuscāre* (to darken); synonyms include the words beclouding and abstrusity.

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## Background

Doctors are faulted for using jargon to conceal unpleasant facts from a patient; the American author and physician Michael Crichton said that medical writing is a "highly skilled, calculated attempt to confuse the reader". The psychologist B. F. Skinner said that medical notation is a form of multiple audience control, which allows the doctor to communicate to the pharmacist things which the patient might

oppose if they could understand medical jargon.<sup>[2]</sup>

## Eschew

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"Eschew obfuscation", also stated as "eschew obfuscation, espouse elucidation", is a humorous fumblerule used by English teachers and professors when lecturing about proper writing techniques. Literally, the phrase means "avoid being unclear" or "avoid being unclear, support being clear", but the use of relatively uncommon words causes confusion in much of the audience (those lacking the vocabulary), making the statement an example of irony, and more precisely a heterological phrase. The phrase has appeared in print at least as early as 1959, when it was used as a section heading in a NASA document.<sup>[3]</sup>

An earlier similar phrase appears in Mark Twain's *Fenimore Cooper's Literary Offenses*, where he lists rule fourteen of good writing as "eschew surplusage".

## Secure communication

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Obfuscation of oral or written communication achieves a degree of secure communication without a need to rely upon technology. This technique is sometimes referred to as "talking around" and is a form of security through obscurity.

A notable example of obfuscation of written communication is a message sent by September 11 attacks ringleader Mohamed Atta to other conspirators prior to the attacks occurring:<sup>[4]</sup>

The semester begins in three more weeks. We've obtained 19 confirmations for studies in the faculty of law, the faculty of urban planning, the faculty of fine arts and the faculty of engineering.

— Mohamed Atta

In this obfuscated message, the following code words are believed to exist:<sup>[5]</sup>

- "semester" refers to planned September 11 attacks
- "three more weeks" refers to the date when the attacks are scheduled
- "19 confirmations" refers to the Hijackers in the September 11 attacks
- "faculty of law" refers to a target, the United States Capitol
- "faculty of urban planning" refers to a target, the World Trade Center
- "faculty of fine arts" refers to a target, the White House
- "faculty of engineering" refers to a target, The Pentagon

Within the illegal drug trade, obfuscation is commonly used in communication to hide the occurrence of drug trafficking. A notable example is the use of "420" as a code word to refer to cannabis consumption, an activity which despite legalisation changes, was once illegal in most jurisdictions. The Drug Enforcement Administration reported in July 2018 a total of 353 different code words used for cannabis.<sup>[6]</sup>

## White box cryptography

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In white-box cryptography, obfuscation refers to the protection of cryptographic keys from extraction when they are under the control of the adversary, e.g., as part of a DRM scheme.<sup>[7]</sup>

## Network security

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In network security, obfuscation refers to methods used to obscure an attack payload from inspection by network protection systems.

## In popular culture

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- In Animal Farm, the pigs such as Squealer and Snowball use obfuscation to confuse the other animals with doublespeak in order to prevent any uprisings.

## See also

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| ▪ <u>Black box</u>                         | ▪ <u>Obfuscated code</u>                   |
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| ▪ <u>Mind games</u>                        |  |

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## External links

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-  Media related to Obfuscation at Wikimedia Commons
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# Victim playing

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**Victim playing** (also known as **playing the victim**, **victim card**, or **self-victimization**) is the fabrication or exaggeration of victimhood for a variety of reasons such as to justify abuse of others, to manipulate others, a coping strategy, attention seeking or diffusion of responsibility. A person who repeatedly does this is known as a 'professional victim'.

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## For abuse

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Victim playing by abusers is either:<sup>[1][2]</sup>

- Dehumanization, diverting attention away from acts of abuse by claiming that the abuse was justified based on another person's bad behavior (typically the victim).
- Grooming for abusive power and control by soliciting sympathy from others in order to gain their assistance in supporting or enabling the abuse of a victim (known as proxy abuse).

It is common for abusers to engage in victim playing. This serves two purposes:

- Justification, to themselves, in transactional analysis known as existential validation, as a way of dealing with the cognitive dissonance that results from inconsistencies between the way they treat others and what they believe about themselves.
- Justification to others as a strategy of evading or deflecting harsh judgment or condemnation they may fear from others.

## For manipulation

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Manipulators often play the victim role ("woe is me") by portraying themselves as victims of circumstances or someone else's behavior in order to gain pity or sympathy or to evoke compassion and thereby get something from someone. Caring and conscientious people cannot stand to see anyone suffering, and the manipulator often finds it easy and rewarding to play on sympathy to get cooperation.<sup>[3]</sup>



While portraying oneself as a victim can be highly successful in obtaining goals over the short-term, this method tends to be less successful over time:

Victims' talent for high drama draws people to them like moths to a flame. Their permanent dire state brings out the altruistic motives in others. It is difficult to ignore constant cries for help. In most instances, however, the help given is of short duration. And like moths in a flame, helpers quickly get burned; nothing seems to work to alleviate the victims' miserable situation; there is no movement for the better. Any efforts rescuers make are ignored, belittled, or met with hostility. No wonder that the rescuers become increasingly frustrated — and walk away.<sup>[4]</sup>

## Other goals

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Victim playing is also:

- An attention seeking technique (see for example Münchausen syndrome).

## In corporate life

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The language of "victim playing" has entered modern corporate life, as a potential weapon of all professionals.<sup>[5]</sup> To define victim-players as dishonest may be an empowering response;<sup>[6]</sup> as too may be awareness of how childhood boundary issues can underlie the tactic.<sup>[7]</sup>

In the hustle of office politics, the term may however be abused so as to penalize the legitimate victim of injustice, as well as the role-player.

## Underlying psychology

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Transactional analysis distinguishes real victims from those who adopt the role in bad faith, ignoring their own capacities to improve their situation.<sup>[8]</sup> Among the predictable interpersonal "games" psychiatrist Eric Berne identified as common among by victim-players are "Look How Hard I've Tried" and "Wooden Leg".<sup>[9]</sup>

R. D. Laing considered that "it will be difficult in practice to determine whether or to what extent a relationship is collusive" – when "the one person is predominantly the passive 'victim'",<sup>[10]</sup> and when they are merely playing the victim. The problem is intensified once a pattern of victimization has been internalised, perhaps in the form of a double bind.<sup>[11]</sup>

Object relations theory has explored the way possession by a false self can create a permanent sense of victimisation<sup>[12]</sup> – a sense of always being in the hands of an external fate.<sup>[13]</sup>

To break the hold of the negative complex, and to escape the passivity of victimhood, requires taking responsibility for one's own desires and long-term actions.<sup>[14]</sup>

## See also

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- |                                    |                                  |
|------------------------------------|----------------------------------|
| ▪ <u>Abusive power and control</u> | ▪ <u>Causation (law)</u>         |
| ▪ <u>Abuse defense</u>             | ▪ <u>Cognitive distortion</u>    |
| ▪ <u>Blame</u>                     | ▪ <u>Contributory negligence</u> |
| ▪ <u>Buck passing</u>              | ▪ <u>Determinism</u>             |
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- Exaggeration
- Gaslighting
- Guilt trip
- Identified patient
- Karpman drama triangle
- Learned helplessness
- Let the Wookiee win
- Mind games
- Necessity defense (New York)
- Persecutory delusion
- Rachel Dolezal § Police reports about alleged hate crimes
- Self blame
- Sob story
- Spoilt Rotten
- Victim blaming
- Victim feminism
- Victim mentality
- Victimisation
- Victimology

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  6. Anthony C. Mersino, *Emotional Intelligence for Project Managers* (2007) p. 60 and p. 43
  7. Mersino, p. 104
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  14. Pauline Young-Eisendrath, *Women and Desire* (London 2000) p. 201 and p. 30
- Anthony C. Mersino, *Emotional Intelligence for Project Managers; The People Skills You Need to Succeed* (2012) p. 60 and p. 43

## External links

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- *Booknotes* interview with Charles Sykes on *A Nation of Victims: The Decay of the American Character*, November 29, 1992 (<https://www.c-span.org/video/?35197-1/nation-victims>)
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# Victim mentality

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**Victim mentality** is an acquired personality trait in which a person tends to recognize or consider themselves as a victim of the negative actions of others, and to behave as if this were the case in the face of contrary evidence of such circumstances. Victim mentality depends on clear thought processes and attribution. In some cases, those with a victim mentality have in fact been the victim of wrongdoing by others or have otherwise suffered misfortune through no fault of their own. However, such misfortune does not necessarily imply that one will respond by developing a *pervasive and universal* victim mentality where one frequently or constantly perceives oneself to be a victim.<sup>[1]</sup>

The term is also used in reference to the tendency for blaming one's misfortunes on somebody else's misdeeds, which is also referred to as victimism.<sup>[2][3]</sup>

Victim mentality is primarily developed, for example, from family members and situations during childhood. Similarly, criminals often engage in victim thinking, believing themselves to be moral and engaging in crime only as a reaction to an immoral world and furthermore feeling that authorities are unfairly singling them out for persecution.<sup>[4]</sup>

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### Foundations

### Features

### Victims of abuse and manipulation

### Breaking out

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## Foundations

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In the most general sense, a victim is anyone who experiences injury, loss, or misfortune as a result of some event or series of events.<sup>[5]</sup> This negative experience, however, is insufficient for the emergence of a sense of victimhood. Individuals may identify as a victim<sup>[1]</sup> if they believe that:

- they were harmed;
- they were not the cause of the occurrence of the harmful act;
- they were under no obligation to prevent the harm;
- the harm constituted an injustice in that it violated their rights (if inflicted by a person), or they possessed qualities (e.g., strength or goodness of character) making them persons whom that harm did not befit;
- they deserve sympathy.<sup>[6]</sup>

The desire for empathy is crucial in that the mere experience of a harmful event is not enough for the emergence of the sense of being a victim. In order to have this sense, there is the need to perceive the harm as undeserved, unjust and immoral, an act that could not be prevented by the victim. The need to obtain empathy and understanding can then emerge.<sup>[7]</sup>

Individuals harbouring a victim mentality would believe that:<sup>[1]</sup>

- their lives are a series of challenges directly aimed at them;
- most aspects of life are negative and beyond their control;
- because of the challenges in their lives, they deserve sympathy;
- as they have little power to change things, little action should be taken to improve their problems.

Victim mentality is often the product of violence. Those who have it usually had an experiences of crisis or trauma at its roots.<sup>[8]</sup> In essence, it is a method of avoiding responsibility and criticism, receiving attention and compassion, and evading feelings of genuine anger.

## Features

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A victim mentality may manifest itself in a range of different behaviours or ways of thinking and talking:

- Identifying others as the cause for an undesired situation and denying a personal responsibility for one's own life or circumstances.<sup>[9]</sup>
- Exhibiting heightened attention levels (hypervigilance) when in the presence of others.
- Awareness of negative intentions of other people.
- Believing that other people are generally more fortunate.
- Gaining relief from feeling pity for oneself or receiving sympathy from others.

It has been typically characterized by attitudes of pessimism, self-pity, and repressed anger.<sup>[10]</sup> People with victim mentality may develop convincing and sophisticated explanations in support of such ideas, which they then use to explain to themselves and others of their situation.

People with victim mentality may also be generally:

- exhibiting a general tendency to realistically perceive a situation; yet may lack an awareness or curiosity about the root of actual powerlessness in a situation<sup>[11]</sup>
- introspective
- likely to display entitlement and selfishness.<sup>[12]</sup>
- defensive: In conversation, reading a negative intention into a neutral question and reacting with a corresponding accusation, hindering the collective solution of problems by recognizing the inherent conflict.
- categorizing: tending to divide people into "good" and "bad" with no gray zone between them.<sup>[9]</sup>
- unadventurous: generally unwilling to take even small and calculated risks; exaggerating the importance or likelihood of possible negative outcomes.
- exhibiting learned helplessness: underestimating one's ability or influence in a given situation; feeling powerless.
- self-abasing: Putting oneself down even further than others are doing.

A victim mentality may be reflected by linguistic markers or habits, such as pretending

- not to be able to do something ("I can't..."),
- not to have choices ("I must...", "I have no choice..."), or
- epistemological humility ("I don't know").

Other features of a victim mentality include:<sup>[13]</sup>

- Need for recognition – the desire for individuals to have their victimhood recognized and affirmed by others. This recognition helps reaffirm positive basic assumptions held by the individual about themselves, others and the world in general. This also implies that offenders recognize their wrongdoing. At a collective level this can encourage people to have a positive well-being with regards to traumatic events and to encourage conciliatory attitudes in group conflicts.
- Moral elitism – the perception of the moral superiority of the self and the immorality of the other side, at both individual and group levels. At an individual level this tends to involve a "black and white" view of morality and the actions of individuals. The individual denies their own aggressiveness and sees the self as weak and persecuted by the morally impure, while the other person is seen as threatening, persecuting and immoral, preserving the image of a morally pure self. At a collective level, moral elitism means that groups emphasize the harm inflicted on them, while also seeing themselves as morally superior. This also means that individuals see their own violence as justified and moral, while the outgroup's violence is unjustified and morally wrong.
- Lack of empathy – because individuals are concerned with their own suffering, they tend to be unwilling to divert interest to the suffering of others. They will either ignore the suffering others or act more selfishly. At the collective level, groups preoccupied with their own victimhood are unwilling to see the outgroup's perspective and show less empathy to their adversaries, while being less likely to accept responsibility for harms they commit. This results in the group being collectively egoistic.
- Rumination – victims tend to focus attention on their distress and its causes and consequences rather than solutions. This causes aggression in response to insults or threats and decreases a desire for forgiveness by including a desire for revenge against the perpetrator. Similar dynamics play out at the collective level.

## Victims of abuse and manipulation

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Victims of abuse and manipulation often get trapped into a self-image of victimisation. The psychological profile of victimisation includes a pervasive sense of helplessness, passivity, loss of control, pessimism, negative thinking, strong feelings of guilt, shame, self-blame and depression. This way of thinking can lead to hopelessness and despair.<sup>[14]</sup> It may take a long period of time for therapists to build a trusting relationship with a victim. There frequently exists a distrust of authority figures, and the expectation of being hurt or exploited.<sup>[15]</sup>

## Breaking out

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In 2005, a study led by psychologist Charles R. Snyder indicated that if a victim mentality sufferer forgives themselves or the situation leading to that mental state, symptoms of PTSD or hostility can be mediated.<sup>[16]</sup>

For adolescent victims, group support and psychodrama techniques can help people gain a realistic view of past traumas. These techniques emphasis the victims' feelings and expressing those feelings. Support groups are useful in allowing others to practice assertiveness techniques, and warmly supporting others in the process.<sup>[17]</sup>

Successful identified techniques have included therapeutic teaching methods regarding concepts of normative decision theory, emotional intelligence, cognitive therapy, and psychological locus of control. These methods have proven helpful in allowing individuals with a victim mentality mindset to both recognize and release the mindset.<sup>[18]</sup>

## Trauma and victimhood

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Trauma can undermine individual's assumptions about the world as a just and reasonable place and scientific studies have found that validation of trauma is important for therapeutic recovery. It is normal for victims to want perpetrators to take responsibility for their wrongdoing and studies conducted on patients and therapists indicate that they consider the validation of trauma and victimization as important for therapeutic recovery.<sup>[19]</sup> De Lint and Marmo identify an 'antivictimism' mentality existing within society as a whole, and those who choose to use the label victim mentality. Expecting individuals to only be "true victims" by showing fortitude and refusing to show pain, with displays of pain being seen as a sign of weakness. This will create an environment where a victim is expected to share their emotions, only to be judged or displaying them.<sup>[20]:55</sup>

Victimology has studied the perceptions of victims from sociological and psychological perspective. People who are victims of crime have a complicated relationship with the label of victim, they may feel that they are required to accept it to receive aid or for legal processes; they may feel accepting the label is necessary to avoid blame; they may want to reject it to avoid stigmatization, or give themselves a sense of agency; they may accept the label due to a desire for justice rather than sympathy. There can be a false dichotomy between the roles victim and survivor which either does not acknowledge the agency that victims exerted (for example leaving abusers) or the fact that others behaviour caused them harm.<sup>[21]</sup>

## Politics

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One may consider collective victimhood in political settings. If the leaders of a country, and the citizens who support them, collectively feel like victims, those leaders may be more likely to advocate violent conflict resolution or suppression of freedom of speech.

Political psychologists Bar-Tal and Chernyak-Hai write that collective victim mentality develops from a progression of self-realization, social recognition, and eventual attempts to maintain victimhood status.<sup>[22]</sup>

## See also

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- Blame
- DARVO
- Learned helplessness
- Mindset
- Moral agency
- Persecutory delusion
- Social justice warrior
- Victim blaming
- Victim complex
- Victim playing
- Victimisation

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WomensLaw is not just for women. We serve and support all survivors, no matter their sex or gender.

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**Important:** Even if courts are closed, you can still file for a protection order and other emergency relief. See our [FAQ on Courts and COVID-19](#).

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## About Abuse

## Litigation Abuse

Updated: September 4, 2019

Once someone separates from an abusive spouse/partner, the abuser may try to keep power and control over the victim by misusing the court system against the victim. For example, filing repeated petitions or motions, requesting many adjournments, appealing the judge's orders without a legal basis to do so, or taking other actions that make the victim repeatedly come to court. Sometimes this type of behavior is called "litigation abuse."

Unfortunately, litigation abuse is challenging to deal with because it is hard to limit someone's right to file in court. If you are facing litigation abuse, you may want to try proving to the judge that the cases the abuser keeps bringing are not based on a good reason (without merit) and are filed instead to harass you. Sometimes, a judge may issue an order that will help to limit the litigation abuse or its effects by:

- ordering the party bringing the excessive motions to pay your court costs and attorney's fees;
- ordering the party who files meaningless motions to reimburse your lost wages and other expenses caused by having to repeatedly come to court;
- excusing you from appearing at court hearings or letting you appear by telephone;
- ordering that no motions or petitions can be filed, or that no court appearances may be scheduled, without the judge's prior approval; or
- denying adjournment requests for excessive or unnecessary delay.

Litigation abuse often takes place in divorces or other complex court cases that allow discovery, which is the exchange of documents and information between the parties before trial. To read more about litigation abuse during the discovery process, go to [What if the abuser is using discovery as an abuse tactic?](#) in our [Preparing for Court - By Yourself](#) section.

Another possible way that you may prevent an abuser from continuing to take you to court is by filing a motion asking that the abuser be ordered to pay your attorney's fees each and every time the abuser loses the motion, petition, or other case brought against you. Sometimes, this sort of financial penalty can be enough of an incentive to discourage multiple lawsuits. Hopefully a lawyer can walk you through the process of filing such a motion to the judge to make these sort of requests, if this is something you want to do.

We link to free and paid lawyers on our [Finding a Lawyer](#) page if you want to get specific advice about your situation.

Did you find this information helpful?

[Yes](#)   [No](#)

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## Love, lies and...fraud? Understanding civil fraud lawsuits

Fraud can be either a criminal or civil matter — or even both — depending on the circumstances and parties involved. However, just because someone feels deceived, that doesn't necessarily rise to the level of legal fraud.

Take, for example, the recent lawsuit filed by a jilted lover after his girlfriend eventually rejected him and moved on to another. In response, the man filed a civil lawsuit, alleging a type of fraud known as "false

representation.”

Essentially, his complaint alleged that he’d spent a considerable amount of money on her over their year-long romance with the expectation that they would eventually be a permanent couple — despite the fact that they were both married to other people (a fact the woman was open about but he somehow neglected to mention).

Legal fraud by false representation is essentially a lie designed to get something out of someone else. A person who relies on that false representation to his or her detriment may have a valid personal injury claim if:

- The lie was either intentional or the result of willful ignorance
- The person telling the lie fully intended it to be taken seriously and wanted the listener to believe it was the truth
- The lie caused true physical or financial harm.

While emotional losses may eventually figure into any compensation, emotional losses alone aren’t usually enough for a successful civil lawsuit.

In the case mentioned above, it seems clear that the woman was honest about her interest in the man at the time. Although he did spend a lot of money on gifts and trips for her, she was hesitant to accept and he frequently insisted that the money wasn’t much to him because of his level of wealth. He referred to the thousands of dollars he’d spent as “pennies” in his mind.

When their relationship soured, the woman didn’t continue to tell him she was still in love — she quickly broke it off. Additionally, she ultimately did end her marriage and move on — just with someone else.

Rather predictably, the court rejected the jilted lover's lawsuit and his appeal. However, there's as much to be learned from failed lawsuits as there are from those that are successful. Understanding why a personal injury lawsuit doesn't succeed can help you avoid the same errors.

A personal injury attorney can help you if you've been the victim of fraud.

**Source:** CityPages, "[Jilted Minnesota man sues ex-girlfriend for 'fraud' after paying for trips to Vegas, Cancun](#)," Susan Du, Aug. 23, 2017

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# Emotional blackmail

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**Emotional blackmail** and **FOG** are terms, popularized by psychotherapist Susan Forward, about controlling people in relationships and the theory that fear, obligation and guilt (FOG) are the transactional dynamics at play between the controller and the person being controlled. Understanding these dynamics is useful to anyone trying to extricate oneself from the controlling behavior of another person and deal with their own compulsions to do things that are uncomfortable, undesirable, burdensome, or self-sacrificing for others.<sup>[1]</sup>

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## General

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The first documented use of "emotional blackmail" appeared in 1947 in the *Journal of the National Association of Deans of Women* in the article "Emotional Blackmail Climate". The term was used to describe one type of problematic classroom control model often used by teachers.<sup>[2]</sup> Esther Vilar, an Argentine physician, also used the term "emotional blackmail" in the early 1970s to describe a parenting strategy observed among some mothers with multiple children.<sup>[3]</sup>

Emotional blackmail typically involves two people who have established a close personal or intimate relationship (parent and child, spouses, siblings, or two close friends).<sup>[4]</sup> Children, too, will employ special pleading and emotional blackmail to promote their own interests, and self-development, within the family system.<sup>[5]</sup>

Emotional blackmailers use fear, obligation and guilt in their relationships, ensuring that others feel afraid to cross them, obligated to give them their way and swamped by guilt if they resist. Knowing that someone close to them wants love, approval or confirmation of identity and self-esteem, blackmailers may threaten to withhold them (e.g., withhold love) or take them away altogether, making the second person feel they must earn them by agreement.<sup>[6]</sup> Fear, obligation or guilt is commonly referred to as "FOG". FOG is a contrived acronym—a play on the word "fog" which describes something that obscures and confuses a situation or someone's thought processes.

The person who is acting in a controlling way often wants something from the other person that is legitimate to want. They may want to feel loved, safe, valuable, appreciated, supported, needed, etc. This is not the problem. The problem is often more a matter of how they are going about getting what they want, or that they are insensitive to others' needs in doing so that is troubling—and how others react to all of this.<sup>[1]</sup>

Under pressure, one may become a sort of hostage, forced to act under pressure of the threat of responsibility for the other's breakdown.<sup>[7]</sup> One could fall into a pattern of letting the blackmailer control his/her decisions and behavior, lost in what Doris Lessing described as "a sort of psychological fog".<sup>[8]</sup>

## Types

Forward and Frazier identify four blackmail types each with their own mental manipulation style:<sup>[9]</sup>

Type	Example
<b>Punisher's threat</b>	Eat the food I cooked for you or I'll hurt you.
<b>Self-punisher's threat</b>	Eat the food I cooked for you or I'll hurt myself.
<b>Sufferer's threat</b>	Eat the food I cooked for you. I was saving it for myself. I wonder what will happen now.
<b>Tantalizer's threat</b>	Eat the food I cooked for you and you just may get a really yummy dessert.

There are different levels of demands—demands that are of little consequence, demands that involve important issues or personal integrity, demands that affect major life decisions, and/or demands that are dangerous or illegal.<sup>[1]</sup>

# Patterns and characteristics

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## Addictions

Addicts often believe that being in control is how to achieve success and happiness in life. People who follow this rule use it as a survival skill, having usually learned it in childhood. As long as they make the rules, no one can back them into a corner with their feelings.<sup>[10]</sup>

## Mental illness

People with certain mental conditions are predisposed to controlling behavior including those with paranoid personality disorder,<sup>[11]</sup> borderline personality disorder,<sup>[12]</sup> and narcissistic personality disorder.<sup>[13]</sup>

People with borderline personality disorder are particularly likely to use emotional blackmail<sup>[12]</sup> (as too are destructive narcissists).<sup>[13]</sup> However, their actions may be impulsive and driven by fear and a desperate sense of hopelessness, rather than being the product of any conscious plan.<sup>[14]</sup>

## Codependency

Codependency often involves placing a lower priority on one's own needs, while being excessively preoccupied with the needs of others. Codependency can occur in any type of relationship, including family, work, friendship, and also romantic, peer or community relationships.<sup>[15]</sup>

## Affluenza and children

Affluenza—the status insecurity derived from obsessively keeping up with the Joneses—has been linked by Oliver James to a pattern of childhood training whereby sufferers were "subjected to a form of emotional blackmail as toddlers. Their mothers' love becomes conditional on exhibiting behaviour that achieved parental goals."<sup>[16]</sup>

## Assertiveness training

Assertiveness training encourages people to not engage in fruitless back-and-forths or power struggles with the emotional blackmailer but instead to repeat a neutral statement, such as "I can see how you feel that way," or, if pressured to eat, say "No thank you, I'm not hungry." They are taught to keep their statements within certain boundaries in order not to capitulate to coercive nagging, emotional blackmail, or

bullying.<sup>[17]</sup>

## Recovery

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抵制情感敲诈的技巧包括加强人际界限，抵制需求，制定权力声明（决心承受压力）以及花时间打破旧模式。重新连接勒索者已否决的自我自治部分不一定很容易。<sup>[9]</sup>即使您承认内as是诱发性和非理性的，也可能基于情感敲诈而感到内；<sup>[18]</sup>但仍然能够抵制过度补偿，并忽略勒索者发脾气而引起注意的企图。<sup>[19]</sup>

但是，以友好的方式始终不理睬这种操纵可能会导致操纵的加剧和分离的威胁，<sup>[20]</sup>或被指控为“疯狂”或“家庭破坏者”。<sup>[9]</sup>

## 文化实例

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- 安吉拉·卡特（Angela Carter）将《美女与野兽》描述为美化了野兽方面的情感敲诈，以此来控制自己的目标美女。<sup>[21]</sup>
- 小说家多丽丝·莱辛（Doris Lessing）声称：“到五岁时，我就成为了勒索的专家。”<sup>[22]</sup>

## 批评

---

丹尼尔·米勒（Daniel Miller）反对，在通俗心理学中，情感勒索的想法已被滥用为抵制任何形式的同情或对他人的考虑的辩护。<sup>[23]</sup>

用诸如“勒索”和“操纵”之类的煽动性术语来标记这种动态可能没有什么用处，因为它既是两极分化的，又意味着预谋和恶意，通常不是这种情况。控制行为和被控制是两个人之间的交易，两者都在起作用。<sup>[1]</sup>

## 另请参阅

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I am sorry you feel

V[ Á@ãÁ ^ ^ º • Ê Æ [ Á@Á ^ • d Ê



Remember you said and you promised you will not date no more Asian?Now IAM holding you on this 100 percent don't let me down

Nov 17, 2020, 2:19 PM  
Miguel Rivera

I don't know you and you don't know me . However, it does not take rocket 🚀 science to use common sense. If I am the one that found the drugs? I was the one using? Why would on earth open up discussion or accuse another ? If I were using ? I would not let anyone pay attention or bring it up ? Let alone accuse someone else and bring light to its use .. I would have tone a complete moron! 😂 lol

Nov 17, 2020, 2:20 PM

**Miguel Rivera**

I am talking to my friend.

Nov 17, 2020, 2:20 PM

**Miguel Rivera**

He said this is the culture and not to fall pray to such manipulation

Nov 17, 2020, 2:22 PM

**Miguel Rivera**

Lol .. he said that's a druggies mentality.. he is a case worker for meth users

Nov 17, 2020, 2:22 PM

**Miquel Rivera**

No Asian.. yes

Nov 17, 2020, 2:24 PM

**Miguel Rivera**

I got to figure out what to do. I am talking go to the attorney tomorrow.

Nov 17, 2020, 2:24 PM

**Miguel Rivera**

I do not think he understands.. Because I have gone after him many times. This time I am not coming back to him. He broke my heart and all of this stuff behind my back was not necessary. He could have been honest and just gone back to China when he was in Indonesia. I was very different with him and I truly thought he cared for me and loved me. Loved me enough not to take drugs or to cheat. I asked him upfront that if he wanted an open relationship to let me know . This way I could decide .. if I wanted that or not .. either way I should have a choice and he should too.. instead , I get hypocrisy and double standards thrown in my face .. when he is the one doing it..

Nov 17, 2020

Miguel River

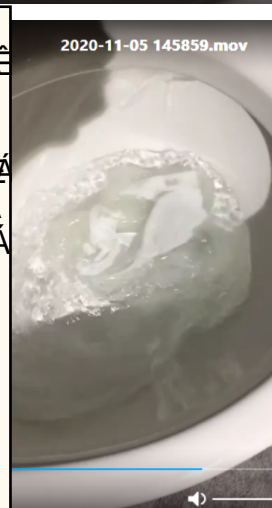
I think it's best for him to be happy.. he obviously is not happy with me. If you can say all these bad things about me .. I don't talk about that way . Sure , he makes mistake but do I need to say anything bad about him ? No .. the drug thing was support and help .. I don't know about these things and scared to death after Nelson death.

👍 Ildiko Baldwin

Nov 17, 2020, 2:39 PM

Youve done nothing for your family except push your brother to kill himself

Mar 18, 2017, 1:06 PM

[illegible][illegible]

Name: \_\_\_\_\_

Age: \_\_\_\_\_

Relationship to the parties in this action: Prior boyfriend of the petitioner

I declare,

My name is \_\_\_\_\_ I am The petitioner Miguel Rivera's prior boyfriend.

We only had about one year relationship until 02/2018 and also Ended up I had to order a protection against to him.

While he was the same way as now. He also ordered a protection Against to me. Of course it was dismissed.

During the relationship, I felt like he was aiming nun English Speaker as his targets to either date or to do busses with.

Especially to Asian and Mid eastern.

When I was told by a friend of his Miguel Rivera is HIV positive

[illegible]

Don't worry about your stuff . You won't get in trouble.. I promise.. it has to a complete conversation beginning with the first day .

Dec 20, 2020, 5:44 PM

**Miguel Rivera**

It does not need to be notarized.

Dec 21, 2020, 10:47 AM

**Miguel Rivera**

I need all the conversation

Dec 20, 2020, 5:43 PM

**Miguel Rivera**

There is a declaration form and I will send it to you . Getting a copy now

**Miguel Rivera**

Dec 21, 2020, 10:47 AM

I am Ildiko Baldwin, I live at 18280 Deuce Road, North Fort Myers, FL 33971. I can be reached directly at 239-810-6166.

I would like to start that I like both of the individuals in this declaration and was hoping that they would work things out. Unfortunately, I have been in the middle both to mediate be a witness to the many issues that they have discussed. Unfortunately, I was witness to the last conversation they both had together. Hui asked me by text to be witness to a conversation on the speakerphone. I said no at first but Mike convinces me to do it anyway. Mike is Miguel Rivera but our family calls him Mike.

On this important day, many things are discussed but not a very good subject as it has a lot of bombs. Hui starts with a discussion of his personal issues and how Mike is accusing him of drugs. Mike asks him to admit to who put the drugs in the bathroom light above the mirror. He said Mike did or someone that he is not doing drugs. Mike said if you didn't and I did not for sure? The Ghost? The Elf? Maybe the housekeeper that you accused that's almost 65 years old? He told him that he needed to be honest that we would all help him.

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He really drove us that are helping him nuts. He definitely has issues and to us who know better, there are definitely some issues. He has been telling us stories and we fell for it. He is really nice at first and sweet. Kind of innocent but he is very manipulative.

Dec 23, 2020, 3:44 AM

**Miguel Rivera**

read and tell me what to add or change asap.

Dec 23, 2020, 3:44 AM

**Ildiko Baldwin**

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Ok this is good change the adress its 18291

Dec 23, 2020, 7:40 AM

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I will not share it with Mike its a promise

2020年11月29日 08:53

Dinghui Deng

And also I might change the date if I need to stay longer for the divorce..

2020年11月29日 08:53

Dinghui Deng

Sorry I can send you copy. But I don't want you to share. ... so

2020年11月29日 08:52

Ildiko Baldwin

Hi Can you send me a copy of your ticket and I will not share this with Mike thanks

2020年11月29日 08:47

Dinghui Deng

I'm sorry ildi. One thing I want to make sure is all the talks between us I want to make it clear it's just between us only. I don't want you to share with Miguel. And to be fair I don't want any information about him.. in short. It's up to me and him to do things. And as I told you honestly. I have decided and been wanting to leave without any risks.. I don't want to put you in middle. It's not a good thing..

2020年11月29日 09:37

Ildiko Baldwin

Oh ok no problem I will not share this with him

2020年11月29日 09:40

Dinghui Deng

I don't want us to talk uncomfortably. L

2020年11月29日 09:41

Ildiko Baldwin

Yes I agree

2020年11月29日 09:41

Dinghui Deng

Yeah. That way I can feel comfortable

2020年11月29日 09:40

Ildiko Baldwin

But if you do what you said I will remain your friend as long as you want but if you dont do what you said I will never talk to you so dont let me down do the right thing ok?

2020年11月29日 09:43

Dinghui Deng

Yes. Of course.. I want to do what I said. That's why I booked the ticket. I booked it only because just to have a name and whenever I want to change the date it's easier for me.

2020年11月29日 09:44

Dinghui Deng

But why you think it's better for me to leave though. I never asked you that. Not only because of the situation. Just I have a feeling that you have been wanting me to leave or us to be apart..

2020年11月29日 09:45

Ildiko Baldwin

If it's not love and if it's not we were married. I could left him when I was in Bali. Only because I don't want to quit the marriage. That's why I gave us a chance in Bali

Dec 11, 2020, 3:32 AM

Ildiko Baldwin

Yes. Of course.. I want to do what I said. That's why I booked the ticket. I booked it only because just to have a name and whenever I want to change the date it's easier for me.

Dec 11, 2020, 3:32 AM

Miguel Rivera

Ildiko Baldwin

Ildiko Baldwin

That's not the ticket

Shit

I know I just check ans he deleted

Dec 11, 2020, 3:33 AM

Dec 11, 2020, 3:33 AM

Dec 11, 2020, 3:33 AM

Ildiko Baldwin

Iam Sorry dont be silly and just calm down Iam here for you and you have my attention

Dec 12, 2020, 5:05 PM

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Ildiko Baldwin

Yes I do want you to go back its better for you like I said before and you will gave a better future it is time for you too move on into the future

2020年11月29日 09:48

Dinghui Deng

Ildiko Baldwin

Yeah. I agree

This is not about Mike its you need to think about remember that

2020年11月29日 09:48

2020年11月29日 09:48

Dinghui Deng

If it's not love and if it's not we were married. I could left him when I was in Bali. Only because I don't want to quit the marriage. That's why I gave us a chance in Bali

2020年11月29日 09:50

Dinghui Deng

Hey ildi. I am little bit confused. Since he told you we are divorced why was he still asking you to tell me he wants me to come back one year later and also about his surgery and other things. I think there's no need to tell me that. And honestly I am going to have my protection order soon.. so it's also gonna make you not reach out to me. I hope you can understand because I have to do that. Only that way I can get rid of him and move forward. And I am also confused about he telling you we are divorced. I haven't even signed anything or do anything about the divorce. So we are divorced? It's too ridiculous to hear or even believe. And right now is the only time I need some cash to support myself but he told you he can give it to me afterwards. Well. It's just like when I need my own things he takes them away. And when I don't need that he will give them back so he thinks he is a good person? He doesn't give a shit about me that's why I am in this kind of situation again and again and again. I really really don't need any fake kindnesses from him. What he has done and had done to me are not only illegal but also not unethical. He treated me as his husband like a toy or some trash. When he needs me he gives me pretty words. But when he doesn't. He throws me off like nothing. I guess you couldn't understand how much damage he did. I was vomiting with blood on 20th tonight the way to the shelter because my heart hurt so badly like hell. That's why I called you the next day even I can always hold myself up from pains or any kinds of emotions.

And I appreciate you and our friendship. But I really feel very uncomfortable and hurt every time you told me things about him. And trust me. I never want to see him again even I still love him. And the deeper my love is the stronger my hate is. So even you didn't ask me or request me to stay away from him. I won't. And to be honest with you as a friend. I didn't like the way you told me things about if I do you will be a way and if I don't you will be another way. That's not nice to say. I appreciate you because even you just talked to me because I really needed those. And I hope you can treat me like a friend so that we can have a friendship. If you feel like you can command me or order me to do things. I think that's overstep.. and in short. After I order a protection. We actually shouldn't talk or communicate.. I am sorry about that.

I hope this won't upset you. Because I am really trying to respect you and no offense.

2020年11月30日 13:39

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Ildiko Baldwin

You ok?

Dec 12, 2020, 5:16 PM

Miguel Rivera

I love him more than my own life! I can't believe you don't understand this ! He thinks I don't love him. He thinks based on what you guys said . I don't care about him . I pushed to hard to get him to just tell me the truth about the drugs . What right do I have to treat him this way . I don't care who is wrong or right . I am thankful I am alive . I am broken-hearted. That's not the real issue ! He is my soul-mate, partner and my husband. I and anyone should not tell him otherwise. You have the paperwork. I said if that's he cars s out is to just stay only to divorce me . Then tell him we are not married. I was angry when I said this. You know we are based on the documents. I easily keep here The paperwork from Seattle is here. I already dropped the case . I love him . You told him to back to China. You know , I woke up screaming his name after surgery. He is not the only one crazy . I am too ., He is everything to me ..

♥Ildiko Baldwin

Dec 12, 2020, 5:21 PM

Miguel Rivera

I am so unhappy everyday without him. He is the only person in my life that I have ever felt like this for. Everyone that know me . Can never say it's not true .

Miguel Rivera

I will never forgive myself for all this . Nothing you can say to change that ..

Dec 12, 2020, 5:24 PM

Miguel Rivera

I am watch for a reason. I don't really want to be around without him. I pushed just yo get him to admit the truth to himself. Maybe it was wrong . I really can't say . At the end , I am loosing the one thing I live more than me..

Dec 12 2020 5:24 PM

Ildiko Baldwin

What can I do to help?

Dec 12, 2020, 5:25 PM

Miguel Rivera

He should know the truth We lied to him out of anger I owe him that ..

Dec 12, 2020, 5:26 PM

Ildiko Baldwin

Do you want me to send any of this conver3to him?

Dec 12, 2020, 5:35 PM

Ildiko Baldwin

Tell me

Dec 12 2020 5:25 PM

Miguel Rivera

Miguel Rivera

Dec 12, 2020, 5:26 PM

Ildiko Baldwin

Do you want me to send any of this conver3to him?

Dec 12, 2020, 5:35 PM

Miguel Rivera

I can't even tell him.

Dec 12, 2020, 5:25 PM

Miguel Rivera

Dec 12, 2020, 5:27 PM

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Dec 12, 2020, 6:17 PM

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Yes I agree and I really wish he will come to his senses and it gets all worked out over time

Dec 12, 2020, 6:51 PM Ildiko Baldwin

Miguel Rivera

Then we need to tell him to unblock you all your friends need to tell him

Dec 12, 2020, 6:54 PM

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Don't worry about your stuff . You won't get in trouble.. I promise.. it has to a complete conversation beginning with the first day .

Dec 20, 2020, 5:44 PM

Miguel Rivera

Ildiko Baldwin

Miguel Rivera

It does not need to be notarized.

Ok

I need all the conversation

Dec 21, 2020, 10:47 AM

Dec 21, 2020, 10:48 AM

Dec 20, 2020, 5:43 PM

Does not show like the other one

Miguel Rivera

Dec 20, 2020, 5:45 PM

There is a declaration form and I will send it to you . Getting a copy now

Miguel Rivera

Dec 21, 2020, 10:47 AM

I have to show the judge proof that you were bring a friend. Not what he wrote in the order .

Dec 20, 2020, 5:44 PM

Miguel Rivera

It has to show his name and be in sequence the read .

Dec 20, 2020, 5:45 PM

Miguel Rivera

Ildiko Baldwin

Text you from wrong one ., lol

Ok

Dec 20, 2020, 5:46 PM

Dec 22, 2020, 5:09 PM

Miguel Rivera

Ildiko Baldwin

where is the rest?

Dec 20, 2020, 9:01 PM

You missed a call from Ildiko.

Miguel Rivera

Dec 22, 2020, 3:21 PM

I am startled to write your affidavit today and will send it to get it going .

Dec 21, 2020, 7:49 AM

Miguel Rivera

And there is more as Chaz was long

Dec 21, 2020, 7:48 AM

Miguel Rivera

I called there's areas missing which is your response. The judge will need it .

Dec 21, 2020, 7:48 AM

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**Miguel Rivera**

You started a call.

Dec 9, 2020, 2:41 PM

**Miguel Rivera**

You joined the call.

Dec 9, 2020, 2:41 PM

**Miguel Rivera**

Ildi get on phone

Dec 9, 2020, 2:45 PM

**Remington A. M. Yhap**

Remington joined the call.

Dec 9, 2020, 2:43 PM

**Miguel Rivera**

You joined the call.

Dec 9, 2020, 2:43 PM

**Remington A. M. Yhap**

Remington joined the call.

Dec 9, 2020, 2:42 PM

**Chaz Wing**

Chaz joined the call.

Dec 9, 2020, 3:05 PM

**Ildiko Baldwin**

Ildiko joined the call.

Dec 9, 2020, 2:45 PM

**Remington A. M. Yhap**

Remington joined the call.

Dec 9, 2020, 2:45 PM

**Miguel Rivera**

You joined the call.

Dec 9, 2020, 2:45 PM

**Remington A. M. Yhap**

Remington started sharing video.

Dec 9, 2020, 3:25 PM

**Miguel Rivera**

The video chat ended.

Dec 9, 2020, 3:26 PM

Duration: 43 minutes

**Participants: Chaz Wing, Ildiko Baldwin and Miguel Rivera****Miguel Rivera**

You removed Remington A. M. Yhap from the group.

Dec 20, 2020, 3:38 PM

**Miguel Rivera**

The video chat ended.

Dec 9, 2020, 3:26 PM

Duration: 43 minutes

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**Remington A. M. Yhap**

These 17 are not the full list even.

Dinghui Deng

Dinghui

So please. Don't text me or try to reach out to me. I answered you due to manners. I can simply block you. So I hope you don't make me keep blocking people from him. I am too tired of all the drama and his endless broken promises and lies. I want to clarify myself again. I am moving forward. So please keep the distance between us. And don't remind me of him or text me anything.

Thanks



1

Seen by Dinghui Deng at 11:39 AM

Type a message...

Seen by Miguel at Sunday 6:10pm

Dec 16, 2020, 1:41 AM

**Miguel Rivera**

call me .. thanks

Mar 30, 2021, 4:02 PM

**Miguel Rivera**

police

Mar 29, 2021, 8:14 PM

**Miguel Rivera**

cannot get a screen shut of ildi conversation.!

Mar 29, 2021, 8:14 PM

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Miguel Rivera

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I found his mom info the attorney will talk to her on Friday. If this continue..

Dec 3, 2020, 5:36 AM

**Miguel Rivera**

You guys are telling him the truth just keeping it short and pacifying him . I go the extra mile when i Talk to Lavie . She doesn't like hit tell the truth .

Dec 3, 2020, 5:52 AM

## Chaz Wing

Yeah, I don't want to escalate the situation further. If I am confrontational, he just won't message me anymore and it won't achieve much. Lavie will accept responsibility to some degree.

Dec 3, 2020, 6:07 AM

**Miguel Rivera**

Ildi tells him .. he says he won't text .. then he does.

Dec 3, 2020, 11:17 AM

**Miguel Rivera**

Not asking anyone to be confrontational. However , admittedly he won't message anymore. Yet, you told me block messages anyway? What's the difference? At least he gets to understand or the message slowly. It's what made him react. I changed my name on Facebook. He retaliated.. tells you he is stalking .

Dec 3, 2020, 11:16 AM

**Miguel Rivera**

She tried to help but is consistent and isn't being confrontational based on the delivery of the message. However, she is being truthful.

Dec 3, 2020, 11:19 AM

**Miguel Rivera**

**Miguel Rivera**

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Can you send to Rivers

I can be associated with sending

Dec 3, 2020, 2:37 PM

Dec 3, 2020, 2:37 PM

**Miguel Rivera**

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## Chaz Wing

How did it go yesterday?

Dec 4, 2020, 12:04 AM

**Miguel Rivera**

like wtf.. dude ask ildi .. i was not talking to him that whole two weeks.. period was not even here..

Dec 4, 2020, 12:04 AM

**Miguel Rivera**

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judge dismissed the DV for lack of evidence on domestic abuse.

Dec 4, 2020, 12:05 AM

Yeah, no flights for a month and a half was obviously not true

Dec 4, 2020, 12:14 AM

Miguel Rivera

He asked, since he going in January 9th.

Dec 4, 2020, 12:13 AM

**Miguel Rivera**

don't know what his ex is playing he asked at the airport.

Dec 4, 2020, 12:12 AM

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**From:** "何小锦综合"  
**To:** WAWDdb\_NewCasesSea  
**Subject:** Tort Claim  
**Date:** Monday, September 27, 2021 1:45:13 PM  
**Attachments:** [2-3 Additional Statement of evidence.pdf](#)  
[1. Cover Sheet.pdf](#)  
[2. Complaint For A Civil Case.pdf](#)  
[2-1 Application Attachment 1.pdf](#)  
[3. IFPAApplication- Civil Case.pdf](#)  
[4-2 Appendix 2.pdf](#)

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Hi afternoon,

My name is Dinghui Deng, I updated my documents regarding to the rules.

Can you try one more time?


If fail again, I will divide them into smaller files.


please call or email me if anything in need, thank you


Contact info: 2062097624 [dengdinghui0217@gmail.com](mailto:dengdinghui0217@gmail.com)


Thank you


Hui

 从QQ邮箱发来的超大附件


 [2-2 Application Attachment 1 2.pdf](#) (103.95M, 2021年10月27日 13:15 到期)  
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 [4-1 Appendix 1.pdf](#) (27.83M, 2021年09月27日 13:24 到期)  
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